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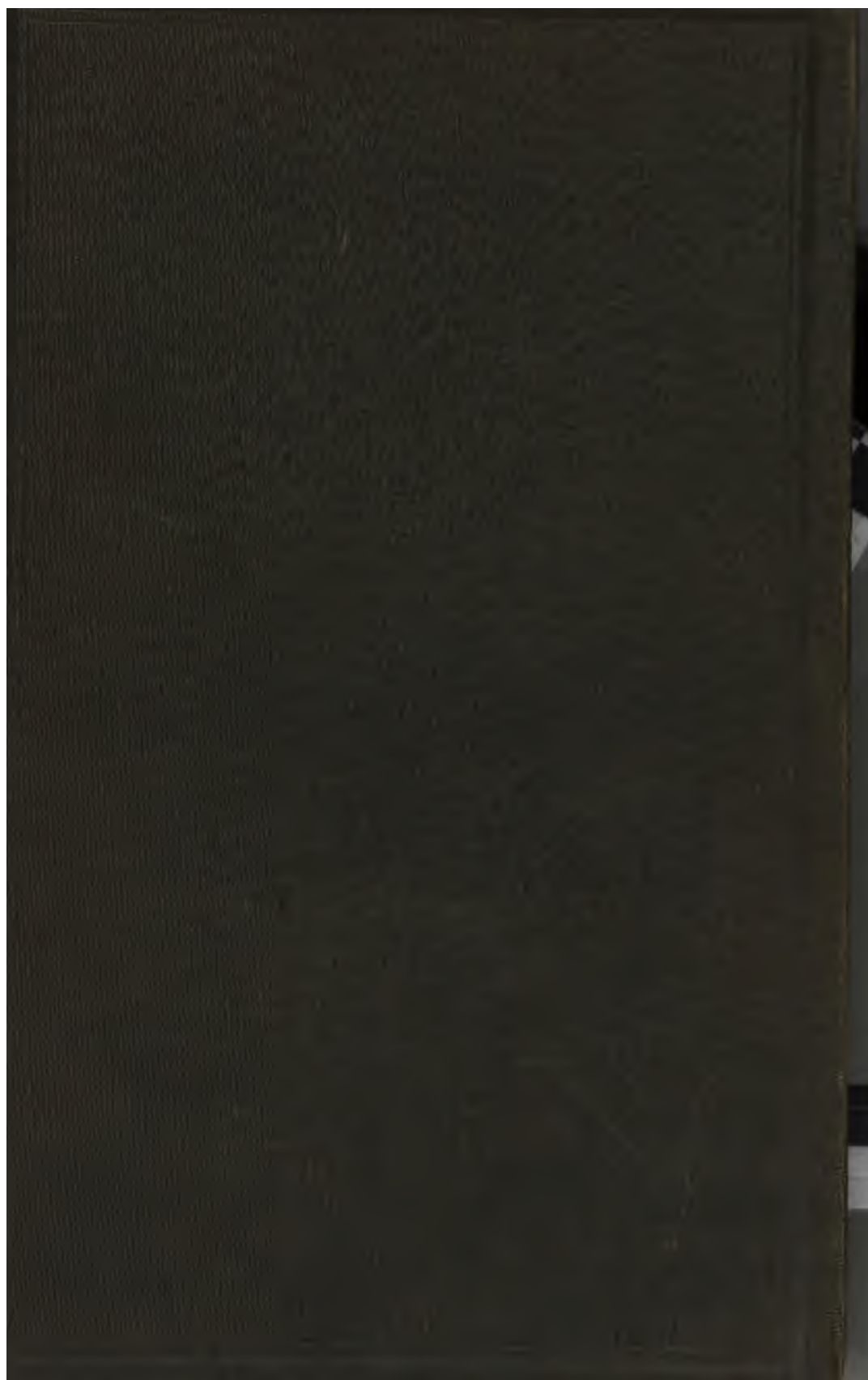
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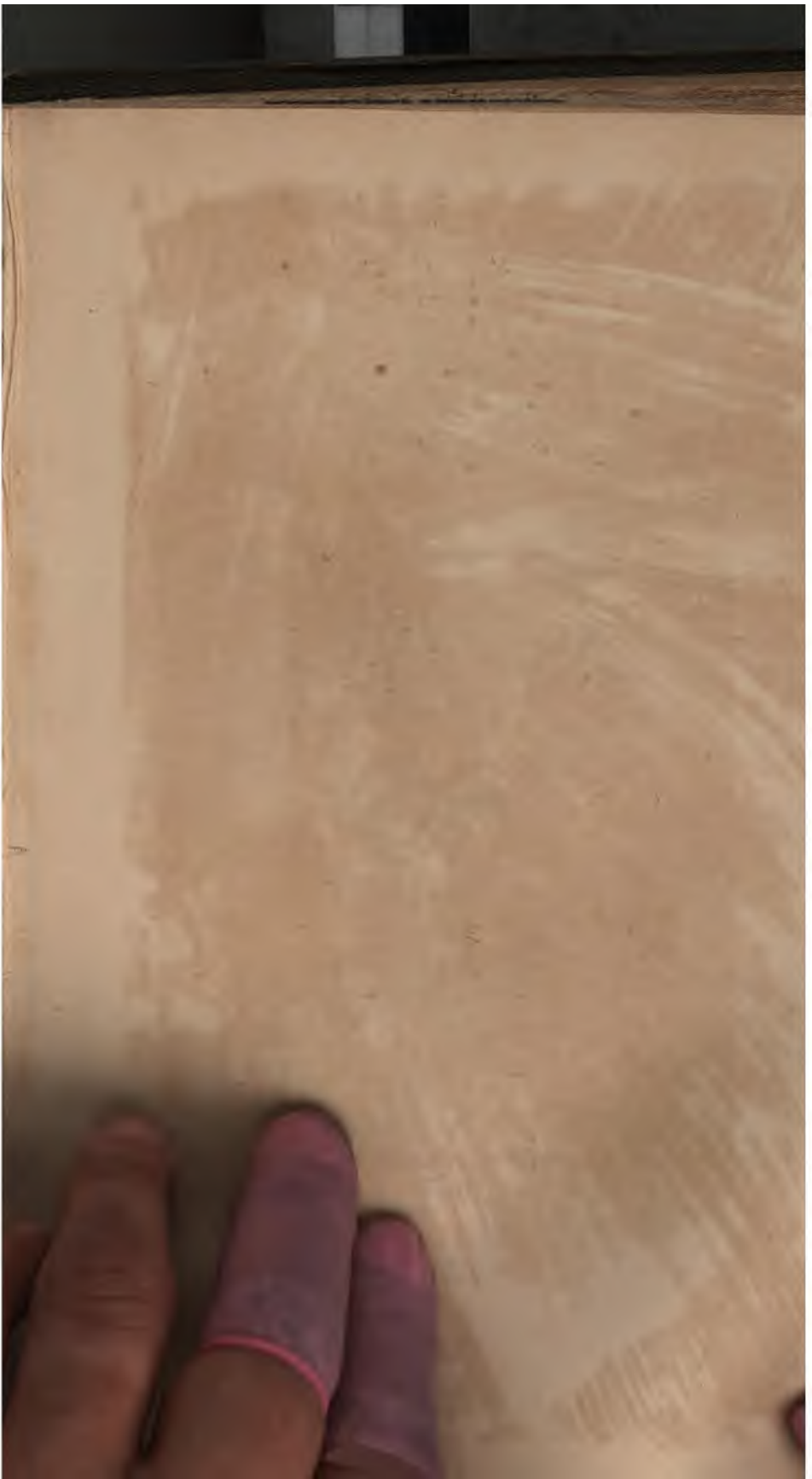


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W. H. D. Longstaffe, ed.

THE ACTS  
OF THE  
HIGH COMMISSION COURT  
WITHIN THE  
DIOCESE OF DURHAM.



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1858.

C

At a Meeting of the Council of the SURTEES SOCIETY, held  
in the Castle of Durham, on Friday, the thirteenth of  
March, 1857,

It was ordered, "That THE PROCEEDINGS OF THE HIGH  
COURT OF COMMISSION ESTABLISHED AT DURHAM should form  
one of the publications of the Society for the current year,  
under the editorial superintendence of Mr. LONGSTAFFE."

JAMES RAINE, JUN.

*Secretary.*

## PREFACE.

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AMONG Dr. Hunter's MSS., in the Library of the Dean and Chapter of Durham, are contained two volumes, one of Acts, the other of Depositions, as recorded by the actuary of a branch of the celebrated High Commission Court which took cognizance of cases in the Diocese of Durham. The Dean and Chapter, with their usual liberality, have permitted the present publication of the material part of those highly interesting books. Their learned librarian, Dr. Raine, gave his advice as to the plan of printing to be adopted, and afforded to the Editor the benefit of his experience in many ways. The insight into the usages of the Church and society which is contained in the depositions, will be obvious, and the very proceedings of the High Commission must command a degree of interest. A notion of that Court, its jurisdiction and practice, will be found in Appendix B. The Acts extend from 1628 to 1639, the Depositions from 1626 to 1638, and the dates are here in all cases reduced to the historical year.

Every case in which the nature of the offence occurs is mentioned in its order of time, and is traced without interruption from its commencement to its termination; and a few of the hundreds of cases for contempt of the ordinary jurisdiction have been selected as examples, in consequence of the rank of the persons proceeded against

or other contents of interest. To give a full idea of the working of the Court, in a few of the most important cases every proceeding is given, even mere respites and processes which, by the submission of the defendants immediately afterwards, came to nothing (See pp. 20, 53, 83, 155, 186). In other instances, the first and last proceedings are noticed, with such of the intermediate events as are unusual, or changed the course of the suit, or are remarkable in a local, social, or historical point of view. But, taking the character of the Court into account, all the fines, forfeitures, and imprisonments, and the reasons for them, are noticed; and the importance of the crisis in our country's history which is now illustrated will, it is hoped, excuse the minuteness of detail.

In the original, each case *ex mero motu* generally stands, in the present phraseology of the ecclesiastical courts, as "The Office of His Majesty's Commissioners, &c., against A. B.," or, when promoted, "The Office of the Commissioners promoted by A. B. against C. D." For economy of space, and facility of reference, each case is here commenced by the name of the defendant in small capitals, and, following the other form used in the original, if the case is promoted by a private individual instead of a notary public assigned by the Court, it is stated to be "upon the promotion of A. B." In this case the prosecutor was liable in costs if he failed. Then follows the nature of the case as briefly given in the margin of the book, and then the proceedings in chronological order, the depositions falling under their respective dates. To many readers, these will be a very attractive portion of the work, and care has been taken to present every por-



tion of them in the least degree curious or important to the issue of the cases. Some, from their character, have been necessarily passed over in silence. The originals are clogged with the verbosity necessary to legal exactness, and frequently speak to the same facts and in the same language. In order to present the substance of the whole, the facts, when once given, are not repeated, except in the case of variations and additions, and where later evidence is of importance from the credibility and means of knowledge of the deponent. The name and age of every deponent is however stated, as of the utmost importance to genealogical enquirers; and while one uniform mode of abridgement has been employed, the orthography, idiom, and order of the original language have been strictly observed. The only omissions are legal technicalities and repetitions, and in making these the general rule has been observed, that a verb without a preceding noun or pronoun is always to be understood as relating to the deponent. In this respect the Editor has followed the conventional practice in reports of evidence. The signature of the witness is always noted, in continuation of the statistics of education to be derived from the former volumes of ecclesiastical depositions published by the Society.

As the names of the Commissioners decreeing proceedings, and their places and times of sitting, may sometimes be of interest, a table of the Courts with those details forms Appendix C. A few proceedings were enacted before a quorum of Commissioners out of Court. These are generally noticed in the cases themselves.

Fuller, in his Church History, having referred to Mr.



Peter Smart's charges against Dr. Cosin without giving his answer, apologised for the neglect in his "Worthies," declaring that Cosin was cleared from the least imputation of any fault. Neale, in his *History of the Puritans*, borrowed Fuller's statement, without his recantation, or Dr. Cosin's own answer to Fuller's *History* in Heylin's *Examen Historicum*. He added that Smart died soon after his release from prison, "the long confinement having contributed to shorten his days." "To counter-mine any secret or sinister attempts," Dr. Hunter published "*An Illustration of Dr. Daniel Neal's History of the Puritans*, in the article of Peter Smart, A.M., Prebendary of Durham, prosecuted for preaching a vile sermon, in the Cathedral there, July 27, 1628. From original papers, with Remarks. Durham, Printed by J. Ross. MDCCXXXVI." This scarce work, referred to as "Hunter," contains the Letters Patent of Commission of 1630, and several extracts from an Act Book previous to that now abstracted. The volume also contains correspondence relating to Smart, the charges against Cosin from Rushworth's Collections, and his answers from some better authority. In Appendix A. the charges are more exactly given from a tract of the period, which mentions them as those which Rous took up to the Lords, and much additional matter is added from other sources. Such as is not correspondence or characteristic is abridged as in the case of the depositions.

W. HYLTON DYER LONGSTAFFE.

Gateshead,

31 Dec. 1857.

THE ACTS  
OF  
THE HIGH COMMISSION COURT  
WITHIN THE DIOCESE OF DURHAM.

---

RICHARD HOPPER of Coundon. [Adultery with Issabell Little.] 1626. Oct. 5. Depositions repeated of *Jane*, wife of *Raph Robson* of Coundon, aged 45.+<sup>a</sup> *Roger Browne* of Coundon, aged 50.+ *Thomas Browne* of Coundon, yeoman, aged 50. Hopper would often cutt hay for Issabell when she went to fodder catle, with such other like curtesies which he used not to doe to others.+ *John Parkin* of Counden Grange, aged 35.+ *Robert Lainge* of Counden, aged 60, R.L.

THOMAS GILL<sup>b</sup> of the Chapelrye of Barton, dioc. Chester, gentleman. — 1627. Oct. 5. *Charles Slyngisbye*,<sup>c</sup> bachelour of Divinitye, aged threescore and seven. Did repaire to the Cathedrall Churche with Doctor Cradocke in the forenowne, Doctor Cradocke havinge then uppon him his surplisse and hooede, and walkinge downe the midle alley of the churche to adjourne the Consistorye Courte, as he saide, untill Divine service shoulde

<sup>a</sup> As noticed in the preface, the signatures of the deponents, whether by mark or otherwise, are in all cases indicated. Here the witness signs by mark.

<sup>b</sup> Eldest son of Christopher Gill of Barton, and ancestor of the Gills of that place. See their pedigree, Surtees' Durham, iii. 338. He died before his father, and was buried at St. Mary-le-Bow, Durham, as "Mr. Thomas Gyll, vulgo dictus de Barton," 31 Aug., 1631. His son and heir, Thomas, seems to have been a posthumous child, being aged 34 at the Visitation of Dugdale, 6 Sept., 1666.

<sup>c</sup> Seventh son of Francis Slingsby of Scriven, Esq., by Mary daughter of Sir Thomas Percy, and sister of Thomas and Henry Percy, Earls of Northumberland. He was baptised at Knaresbro' 22 Nov., 1561. He was B.D., and on 12 April, 1584, he became rector of Rothbury in Northumberland, which living he held till he died in 1628. He married Eliz. daughter of John Ellis of Barnbro', co. York, and by her had—Thomas, æt. 27 and unmarried in 1617; Margaret, the wife of Thomas Basset of York; and Maria, æt. 20 and unmarried in 1617. He was buried at St. Nicholas, Newcastle-upon-Tyne. In the Hall at Norton Conyers in Richmondshire, there is a portrait of Charles Slingsby in the stiff clerical attire of the period, with his name in the corner.—J. R., jun.



be done. Thomas Gill beinge then and their presente with John Richardson Esquier, Mr. Tymothy Comyn undersheriffe of the countye of Durham, and Mathewe Vasie<sup>a</sup> servaunte to Richardson, the said Gill did deliver a writte or processe of attachmente to the undersheriffe with some money, and their-upon in the tyme of divine service required the undersheriffe to arreste Dr. Cradocke in the said place of the church, unto which Dr. Cradocke then and their submitted. Presentlye after which deponent did see Mathewe Vasie serve Dr. Cradocke their with his Majesties writte of subpoena forthe of the highe courte of Starre Chamber, which Dr. Cradocke then and their dewtifullye and quietlye receyved. Which processe of attachmente and subpoena were soe delivered and served whilest the Letanye was solemnlye in readinge and singinge. Thinketh that the said acts of Gill and Vasie were verie irreligious and prophane, and in contempte of the place, the person, and the tyme of Common Prayer. Bothe a fortnight before and a fortnight after the said daye and tyme, deponent did sojourne not farre from the Cathedrall Church, and did usuallye, and almoste daylye, repaire to divine service in the Cathedrall Church, and in his goinge or returninge frome the divine service and sermones had in the church did often repayre to Dr. Cradockes house. Duringe all which tyme Dr. Cradocke did walke abroad and at noe tyme kepte himselfe private, neither did he ever heare that Dr. Cradocke did at any time indeavor to hinder any processe to be served uppon him. Is verelye perswaded in his conscience that Gill did make choise of the church for his servinge the processe, at that tyme of the daye where many persones were assembled, of purpose to disgrace Dr. Cradocke then beinge in his prebendall habitte, consideringe that he mighte aswell have done the same in Dr. Cradocke his comminge to or goeing frome the church or in any other place. Hath crediblye hearde that Gill is muche blamed for usinge to muche libertye of conscience. The premisses are very offensive both to Almightye Gode and to all suche as may be induced to committe the like. Is perswaded that Gill will not denye that he is of the jurisdiction of this courte. Char: Slynghisbye. — Oct. 30.<sup>b</sup> *James Cleasby* of

<sup>a</sup> Of Upper Coniscliffe, gent., aged 26, 1634. He was clerk to Richardson for four or five years, as appears by a subsequent case against his master.

<sup>b</sup> This deposition and the depositions following are acknowledged before "*Jo: Cradocke*" and others. We shall find Mr. Lively, his successor at Gainford, acting in a similar manner. In May 1624, the Committee of the House of Commons reported Cradocke to be a great offender in all his offices of High Commissioner for Durham, Justice of the Peace and Spiritual Chancellor, confounding their jurisdictions, and making one to help another. See Walbran's *Gainford*, 92.

the chapelry of Cleasby, par. Set. Johns in Stanwiggs, gent., aged 53. Thinketh that Gill doth not reparaire to his owne parishe church chapele or any other usuall place where common praier or the service of God is used soe often as by law he is bound, in regard that he travelleth to London and other places as well on Sondaies and holydaies as on other daies in the weeke about his worldly busines; neither knoweth when Gill received the holy communion at any tyme. Is verylie perswaded in his conscience that Gill maketh noe great conscience to procure a witnesse to sweare falsly, as if the doeing thereof weere noe sinne or forbidden by the law of God; which deponent the rather conceiveth for that Gill and one Mr. Georg Middleton,<sup>a</sup> before the assizes at Yorke in Lent last, came to deponent and earnestly intreated him to be a witnesse on the behalfe of Mrs. Middleton late deceased, in a cause depending at Yorke before the judges at the said assizes, and intreated deponent to depose effectually to some pointes for the benefitt of Mrs. Middleton's cause, and they would give him 20s. in money, a cloake or a suite of apparrell, besides his charges thither and home againe. Deponent answered that he would discharge a good conscience touching any thing whereof he should be examined, and soe repaired to Yorke and was examined accordingly. After which Gill and Middleton perceiving that deponent had not deposed to certaine pointes whereof deponent was ignorant, and could not depose with a good conscience, as that sixteene oxen were left by Mr. Robert Pepper<sup>b</sup> at Cleasby at his death, therefore grew very angrey with deponent, wagging their heades at him, saying they little thought that deponent should have deceived them or that he would have made anie such scruple in deposing. And thereupon Gill and Middleton detayned 5s. part of the 20s. reward, and the suite of apparrell or cloake, onely for that deponent

<sup>a</sup> The sister of Gill married George Middleton of South Shields, gent., and his cousin, John Gill of Haughton-le-Skerne, married a daughter of George Middleton of Silksworth.

<sup>b</sup> Eldest son of Sir Cuthbert Pepper, Attorney-General of the Court of Wards and Liveries. In 1606 his father made him his executor, and left him the residue of his lands and leases in South Cowton, Atley Cowton, Temple Cowton, Ravenswath and Cleasby. He enters his pedigree at the Visitation of Yorkshire in 1612, being then 29. On 12 Nov. 8 Jac., he purchases Farnton Hall in the Bishoprick. On 3 April, 1622, Robert Pepper, being then of Cleasby, Esq., makes his will, by word of mouth. In it he does little more than leave "the money he had received for Farrington (his debts being first paid) and the lease of Cleasby for the better preferment of his younger children." His widow, Margaret, administered to her husband at York on the 10th of May, seq. She was the only child of Robert Wytham of York, a younger son of the house of Cliffe. Their great great grand-daughter, Sarah Pepper, became the wife of John Arden, Esq., of Stockport, the ancestor of the Lords Alvanley.—J. R., jun.



would not sweare what Gill and Middleton would have him untruely depose. James Cleasbie. — Nov. 15. *George Hutchinson* of Midleton Tyas, yeoman, aged 55. Gill hath of late usually absented himselfe upon Sondaies and holiedaies from his parish church or chaple, [&c.] partly by reason of some suites depending betwixt Christopher Gill his father, and Mr. Mathew Rathmell, clerk and curat of the chaple of Barton and partlie in regard he travaileth to London, [&c.] Knoweth Gill to be an attorney at London and sollicitour of many causes within the countie of Yorke and Durham for two yeares last past, and that he holdeth it noe sinne for a wisse to depose untruely, to which purpose he came to deponent at the assizes holden at Yorke in Lent last with Mr. Middleton in his companie, and gave him a particular in writeinge of all the mannour or demeanes of Cleasby in Richmondshire, and of all the landes belonging thereunto and the yearely rent of every parcel therof, saying to deponent that deponent well knewe the same and what oxen and cattell were depastureing upon the said landes at the death of Mr. Pepper, and did earnestly persuade deponent to sweare then and there before the judge that the same was true which he Gill and Middleton had soe informed him and he should have good content for his soe sweareing, albeit deponent did then affirme to Gill and Middleton that he did neither knowe the true particulars of the landes nor what number of oxen, [&c.] Is persuaded that Gill hath noe care of a good conscience in manie of his dealinges for that after Thomas Waggatt a bailiffe of the weapontake of Gilling East in Yorkeshire had returned a *nihil habet* upon a writt of execution awarded at the common lawe, Gill did alter the returne and returned verie untruely a *devastavit* as Waggatt affirmed to deponent. p. me *George Hutchinson*. — Nov. 22. *Mathew Rathmell*,<sup>a</sup> clerke, curat of Barton, aged 72. Gill hath not repaired to his parish church chaple, [&c.] soe often as by law required in regard, [&c.] He received the Holy Communion at Easter last and at the Easter next before. Upon a Sonday aboute Michelmas tearme 1623, deponent haveing in the forenoone redd divine service, Gill came presently unto him in the church, and served deponent with a subpoena forth of the High Chancery, which deponent tooke and said he would answeare the same presently. Thereupon Gill and deponent

<sup>a</sup> Curate of St. Cuthbert's, Barton. He made his will on 6 Mar., 1640-1, and was buried, as he desired, in his church on the 28th, his funeral costing 3*l.* 6*s.* 8*d.* His inventory contains little of interest. The books were valued at 20*s.* I have once or twice seen a volume with his name in it. He seems to have studied Puritanical divinity.—J. R., jun.



departed thence homewards. Upon a Sondag or holiday in the end of July or beginning of August 1626, deponent remembreth Gill, being in the chaple of Barton, came to deponent where he was sitting in his pewe where he had ymediatly before ended morneing praier, and told deponent that he had a prohibition forth of the Kinges Bench to stay the proceedinges in a cause then depending in the ecclesiasticall court at Richmond betwixt deponent and Christofer Gill<sup>a</sup> father of the articulate Thomas Gill, in a cause of substraccion of tythes, and did then and there reade the prohibicion to deponent in the chaple which deponent thinketh Gill did onely in contempt of deponent and the function of the ministry and of the chaple. Math. Rathmell. — Dec. 13.<sup>b</sup> *Michaell Kipling* of the city of Durham, yeoman, aged 21 and upwardes. Did see Gill in tyme of divine service the forenoone within the cathedrall church of Durham upon 19 Jan. last, viz., 1627, watch and attend John Cradocke Doctor of Divinity one of the prebends, with the undersheriffe; and in the middle ile in tyme of divine service did deliver to the said sheriffe an attachment against Dr. Cradocke, with money which deponent conceiveth to be his fee, upon which Gill said to the sheriffe "Here is Doctor Cradocke, the attachment, and your fee; I require yow to arreast him," or "doe your office," or wordes to that effect. Whereunto Dr. Cradocke then standing in his surplisse and prebendall habitt did submitt himselfe, "not willing," as he said, "to make anie tumult or uncivill behaviour in the church, especially in tyme of divine service." Mich: Kiplinge.

THOMAS HARRIMAN, clerke. — s. d. *John Ridley* of the Woodes, par. Haltwesle, aged 35. Harriman hath kept an ailehouse for 3 yeares last past, and is much addicted to drunkenesse. Heard Harriman call Mr. Astell<sup>c</sup> asse and foole upon some suites that were then depending betwixt them for tythes. About 5 yeares agoe Christofer Rodham of Allendaile brought unto Harriman a child to be christened, which Rodham had begott in adulterie, at which tyme Harriman was soe drunke that he could not stand, soe that the child was not at that tyme christened, but dyed as deponent hath heard before it was christened. John Rydley.

<sup>a</sup> Second son of Thomas Gill by Anne dau. of Peter Warde of Barton.

<sup>b</sup> Dr. Cradock was poisoned on the 28th of the same month.

<sup>c</sup> Thomas Astell, vicar of Haltwhistle, 1623. The Consistory books contain the particulars of a suit, in 1629, against Astell, for stealing a chest from the vestry, not accounting for sacramental offerings, &c. The party proceeded against in one court seems in general to have been the plaintiff in some charge or other against the plaintiff in the other.

JOHN RIDLEY, junior.—1627. Nov. 22. *John Ridley* of the Woods, par. Haltwesle, gent. The articulate *John Ridley* about Easter last gone 2 yeares did interteine and take into his house *Annas Ridley* wife of *John Ridley* alias *Wills John*, whose husband hath long before that, and ever since till Midsummer last, lived in the south partes, and hath not repaired to his said wife nor doth nor will cohabit with her, by reason of her lewde behaviour. *John Ridley's* house is very neere to the churchyard of Haltwesle, and hath a doore issueing into the churchyard, and hath heretofore made a common stackyard for hay and strawe in the churchyard, and pleadeth custome for the same. The denying of the said *Ridley* to make the churchyard a stackyard is, as deponent thinketh, the first grudge which he had towards *Mr. Thomas Astell* vicar there, and [he] hath said that he would teach *Mr. Astell* to be a neighbour to him, and keepe him within his bounds of the churchyard. All uncivill behaviour in *Ridley's* house may be heard into the churchyard. Divers lewde persons did at divers tymes frequent the company of the said *Annas* after her comeing to *Ridley's* house, and *Ridley* did abett and countenance both the offenders and the said *Annas* and keep them companie for his own privat gaine. The premises grewe very odious and infamous in the parishe, and the said bailiffe *Ridley* did continue *Annas* in his house till it was apparantly knowne that she was with childe. The articulate *Agnes Ridlie* did beare the childe at Haltwesle very privatly in the companie of some fewe women, and did confesse upon the birth<sup>a</sup> that *John Ridley* was the father. Neither *Ridley* nor *William Males* were in the church the Sondag articulate dureing the tyme of service or sermon, and deponent thinketh were all that tyme drinkeing in *Ridley's* house. Hath heard that the said *Agnes* did revile the said *Mr. Astell* and his wife openly at the markett crosse in Haltwesle with very odious tearmes. *Ridley* said to deponent that if deponent had not bene, the vicar, meaneing *Mr. Astell*, should not have knowne where he should have bene at this day. *John Rydley*.

JOHN HEARON, JOHN LINTON, and ROGER POTT, on the promocion of ALEXANDER MYNGZIES,<sup>b</sup> curat of Allanton. For

<sup>a</sup> In Northumberland and Scotland the midwife asked the question, and refused ad until it was answered. In a suit in 1629, she is called the *Grace Wife*, and appears to have been a person who always availed herself of her privilege to get at the secret.

<sup>b</sup> Called *Maggies* in *Randal's List of Northumberland Incumbents*, where the date of 1620 is given to him. The church of Allenton had been appropriated to the Priory of Halystane.



prophanacion of the Sacramentes. — *William Sympson* of Allanton, aged 55. Linton and Pott doe take away the wyne, that remaines upon administracion of the Lords Supper and doth not leave it with the minister. Hearon doth usually take the Easter reconing in the quire at the verie same instant when the minister is administring the Holy Communion in the body of the church. The people, when they make there said reconings, doe for the most part make an extraordinary disorder and noise that may be heard not only throughout the church but the church-yard alsoe, notwithstanding that the minister is at the same time administring the Holy Communion. The Holy Communion is but admistred once in the yeare in the parishe church of Allanton which is commonly Easter day. There doe usually receive 5 or 6 hundred persons, at which time the people in regard of there great number doe make such a confusion and noise and thronging that oftentimes the young and old people are carried downe with there crouding. Hearon will not suffer Mr. Minzies to keepe or medle with the church booke belonging to the parishe. There is an ailehouse kept by Mr. Hearon's sufferance in the place which did anciently belong to the minister of Allanton, and the minister was forced to builde a cottage house for himselfe forth of his poore pencion of 14 nobles by yeare. On Ester day Linton went into the pulpitt and there kept the bread and wyne prepared for the Holy Communion and would not deliver it to the minister. The walls of the church and chancell are in great decay, noe glasse in the windowes and noe doores for the church, but it lieth all open. *Williame Symson*. — *Christofer Wilkinson* of Allanton, aged 50. The proprietaries have the buying of the bread and wyne for the communion at Allanton and ever hath had since deponent can remember. At the feastes of Easter, when the Holy Communion is administred in the parishe church of Allanton, the farmours there, viz. Mr. Hearon, doth usually sitt in the highest partt at the east end of the chancell and there recon with such communicantes as come to receive. Often times, by reason of the people and farmours disagreeing for reconings, some of the people doe make a great noise, soe as deponent and others then communicantes have heard them into the body of the church where they have bene receiving the Holy Communion. By reason of the great multitude of people that doe then receive there are some times disorders comitted by the younger sort of people that throng in to receive the same. The chancell is not glazed, neither is there a doore for the same. John Hearon and George Fenwicke gent. farmours there ought to repaire and mend the same at their owne

charge.+ — 1628. Oct. 2. Compulsaries for moe witnesses returned executed by Mr. Myngzies under his hand. Alexander Selby Esquire, Georg Clennell, Francis Carnaby gent., and John Grewe yeoman, named in the same, do not appear. Attachments against them. Tearme probatory prorogued. Oct. 23. Alledged by Mr. Sisson proctor for the curat that it would have beene too great charges to the poore mynister to have taken forth the attachments and procured the messenger of this court to have gone into Northumberland to have executed the same. For lesser charges, a citacion viis et modis decreed. Nov. 13. To stand statu quo to next court. (*Stat. in marg.*)

JAMES CARRE, gent., on the promocion of WILLIAM WYLSON, clerke. Misdemeanours. — *Thomas Reed* of Heddon, aged 21. On a Sondag James Carr did saie to deponent, "I must goe to Mr. Wilson and bidd him dispatch praiers, for that Mr. Glover<sup>a</sup> is coming to preach." Heard that Carr did receive of Richard Fenwicke 40s. which Margery Fenwicke had left for the repaire of the parishe church of Heddon, and 20s. from Gerrard Reed, being partt of the church stock which Carr did not imploye for the use of the church. Thomas Reade. — *George Fenwicke*<sup>b</sup> of Heddon aged 40. Heard Carre saie at divers tymes upon Sondaies unto sondry persons who purposely came to heare Mr. Glover preach at Heddon. "I have bene with Mr. Wilson, and I have caused him to make short praiers and to be gone, of purpose for yow," meaneing the schismaticall sect, saieing further "I had not been here to day els."+ — 1628. Oct. 2. Tearme probatory continued. Attachment against John Reede. Nov. 27. Publication decreed of the other witnesses. Dec. 11. Tearm for Carre to propound matter. 1629. Jan. 29. Carre exhibited matter in writeing. Feb. 12. The like. Apr. 1. Tearm assigned to Mr. Sisson, proctor, for Carre to proove his matter.<sup>c</sup>

WILLIAM WILSON of Heddon, clerk, on the promocion of the said JAMES CARR. — *Thomas Tailor* clerke, curat of Heddon upon the Wall, aged 40. Hath not seene Wilson weare the surplisse when he readeth divine service. Wilson did say within the church of Heddon in the heareing of deponent that he would not obey the sequestracion, that the Deane and

<sup>a</sup> See proceedings against Cornelius Glover hereafter.

<sup>b</sup> Younger brother of William Fenwick of Heddon, gent.: Richard of Wylam was another brother. Margery, I believe, was their aunt, and died in 1618 or 1619, to be buried at Bothal.

<sup>c</sup> This is the first of a series of Heddon cases.



Chapter of Durham hath not any authority to grant any such sequestracion, and that he would gitt authority to be at Heddon from such as had greater or better authority then the church of Durham, bidding this respondent doe his worst, for he cared not for it. Shortly after deponent and Carr [sequestrators] procureing a citacion to [Durham] from the Deane and Chapter, the see being vacant, against parishioners who had detained their tythes, Wilson said that he did not care for the citacion, that he would answeare for them all, and none of them should stirr there feete. Tho: Taylor. — *William Blume* of Whitcheester, aged 47. Did see when the children of Thomas Willy and Robert Longham were christened. Wilson did not use the signe of the crosse. Never useth to weare the surplisse when he readeth divine service. M. — 1628. July 24. *Thomas Reede* of Heddon on the Wall, gent., aged 21. On a Sondaie about Easter last was a surety or godfather to a childe of Anthony Todd's which was baptized that daie by Mr. Willson and with the signe of the crosse. Mr. Willson did baptize other twoe the same daie without the signe of the crosse. He doth very seldome weare the surplisse when he readeth divine service, at the most not above foure tymes in the yeare. Knoweth noe cause unless it be for that the the surplisse is somewhat worne. About half a yeare since Mr. Willson was in examine's mother's house, (whoe brueth ayle to sell) where he was drinking for about an hour and soe was very forward in his drinke, and uttered these wordes unto Mr. James Carre whoe advised him to be civill and temperate and to have a respect to his coate, "I doe not greatly care for my coate. I am a squire's sonne, and soe I respect my birth as much as my coate." Thomas Reade. — *Georg Fenwicke* of Heddon aforesaid, yeoman, aiged 40. Was a suerty to the childe of Anthony Todd's. Willson being at examine's house, was speakeing of his birth and tolde the company there that he was a squire's sonne and soe he was a gentleman if he wanted his coate. Hath seene him merry with drink. — *Anthony Todd* of Heddon on the Wall, aiged 26. Never sawe Mr. Willson weare the surplisse saveing at Easter last albeit he hath been curat at Heddon for a yeare or more. Hath seene Mr. Willson at sundry tymes sweare and utter these wordes when he was in his drinke, "What, he was a squire's sonne," and soe braveing in this manner of his birth that none there should be like unto him. Anthony Todd. — Oct. 23. Tearme for Wilson to propound matter. Nov. 8. Conclusion agreed. Dec. 11. Sentence. To stand suspended for six monethes. To publiquely and penitently acknowledge his offence in his ordinarie apparell



some Sondag forenoone before Jan. 15, accordinge to a schedull to be prescribed him, and to paie costs to the party promovent, and to certify performance of the submission on Jan. 15, and then to heare and see a bill of costes taxed. 1629. Jan. 15. Mr. James Carr made oath that the submission was shewed to Wilson by Mr. Thomas Tayler, clerke, whoe in very scornefull manner answered that he would obey noe such bible bables. Attachment to committ him to the goale untill he should willinglie submitt himself to censure. Jan. 29. Robert Mitford the messenger had arreasted Wilson, though he could not gett him away,<sup>a</sup> and soe took a bond of 50*l.* for his appearance. To be forfeited if he doe not submitt next court. Costs taxed at 8*l.* 4*d.* Feb. 12. Submitted to mercy. Decreed to send him to goale untill he should performe the censure. April 11. Thrice called to certifie performance. Expected next court ex gratiâ. 1630. Mar. 11. Dismissed in respect of poverty.

WILLIAM MEADE and ROGER LAMBE, both of Northallerton. Abuseinge Mr. Raph Hutton. — *Raph Hutton* of the city of Durham, gent.,<sup>b</sup> aiged 40. *Against Roger Lambe*. Examine with Thomas Bullocke, publique notary, did upon 16 April last hould a court in the parish church of Allerton, as well for the probate of wills and testaments [visiting and swearing the churchwardens] as for correcting delinquents punishable by ecclesiasticall authoritye, and after diverse businesses were dispatched in the church, betwixt the houres of 9 and 11, the court was adjourned till the afternoone to the house of William Harrison, where examine accompanied with divers of the clergie did dyne, and all parties, that had occasion of busines, were monished in publique court to attend ther dispatches their. About 2 or 3 of the clocke in the afternoone, Lamb did repaire to examine in the house of Harrison, and did, in the presence of divers persons attending about ther affaires, with very insolent and audacious behaviour and speaches expostulate and question examine about the conventing of Edward Lambe, who [had married the daughter of William Meade, and] had beene called to Durham for suspicion of fornicacion before marriage, and for his contumacye in not appeareinge [to answer] excommunicate, saing examine did him wrong to call him, and could not excommunicate nor call him for that affair till his wife were delivered of child: and these and the like speaches he uttered with very scornfull gesture and behaviour,

<sup>a</sup> See the proceedings against Thomas Reade and Chr. Hopper for not assisting the messenger.

<sup>b</sup> Official to the Dean and Chapter. Purchased Mainsforth. Died 1639.

to the great contempt of authoritye. — *Against William Meade.* Aboute 3 of the clocke, Meade, with Roger Lambe, came into a chamber in Harrison's house, wher examine was talking with Mr. Moyser, ther being alsoe present twelve persons more, and with very unseamly and insolent behaviour, did expostulate with examine why he had called Edward Lambe and his wife, and said he had done them wrong, for he ought not to call them before she were delivered, and could not excommunicate them for their contempt in not appearing. These and the like words Mead did often repaite with very scornfull and scoffing gesture. Next morninge Mr. Marmaduke Blaxton the yonger<sup>a</sup> did in behalf of Meade sollicit examine that Edward Lambe might come before him and submitt, and that the busines against him might receive an end. To which request when examine had yealded, Edward Lambe with Meade came into the chamber wher examine and the register had lodged, and Lambe being required to exhibit his answer to articles in court against him, was verry forward and willing till Meade did openly diswade him, saying, wee (meaning the court) did it but to trapp him, and many other unseamely words and passages were uttered and done by Meade, in so much that Mr. Blaxton ther present was very angry with him, telling him that he had done him wrong, that since by the motion of him, Meade, he came to request lawfull favour for Edward Lambe and had it graunted, he, Meade, could not contayne himselfe, but utter vile speaches against authority : and Mr. Blaxton was so offended that he openly thanked examine for his curtisye, and promised never to sollicit him in that busines againe. — *Thomas Bullocke* of the cittie of Durham, notarie publique, aiged 34. Mr. Rauffe Hutton, officiall to the Deane and Chapter, with examine did hould a court, [&c.] 16 Aprill, att which Edward Lambe, sonne of Roger Lambe of Allerton, did appeare, who formerly stood excommunicate for contumacie in not appeareinge before the said officiall to answer, [&c.] Mr. Hutton, for there more ease and readier dispatch, the weather being unseasonable, adjorned, [&c.] William Meede, his father in lawe, did with verie uncivill, insolent, and peremptorie behaviour, in the presence of Mr. Edward Blakeston<sup>b</sup> of Great Chilton, Mr. Marmaduke Blakeston of Munkthyrston,<sup>c</sup> Mr. Crakanthorp,

<sup>a</sup> See note below.

<sup>b</sup> His daughter was the witness Bullocke's wife.

<sup>c</sup> Monk Fryston, near Pontefract. Edward Blakiston's cousin Marmaduke, prebendary of Durham, had a son Thomas, a prebendary of York, and Vicar of Northallerton at this time, and these depositions tend to confirm Surtees's supposition that he of Monk Fryston was another son. There was a third son, famous as a Regicide, who will occur hereafter.



minister of Allerton, and divers other gentlemen and persons of good note, diswade Edward Lambe from giving his answer, saieing in contemptuous<sup>a</sup> manner to Mr. Hutton, "What, doe yow keepe courtes in everie corner of the house? I see yow doe itt to intrapp and force him to sweare that which is not the truth. Yow doe him injustice and wronge, and yow are not able to justifie your doeinges. And as for yow," speaking to examine, the then accuarie, in like scornefull manner, "doe I not know yow? Yes, well enough. I know what yow both entend. Itt's but a money matter, and yow doe him wronge;" with divers and other opprobrious speeches. Mr. Hutton, not willinge to multiply speache with him, was forced to departe the room, only tellinge him that better men then either himselfe or Meade should judge whether Meade had not wronged and abused him, yea or noe. Tho: Bullocke. — *John Craken-thropp*, curat of Allerton, aged 26. Meade did earnestly diswaid Edward Lambe from taking his purgacion oath. John Crakanthorpe, clic. — *Tho. Robinson* of Allerton, aged 50. Thomas Robinson. — *John Wright* of Allerton, aged 54. John Wright. — 1628. Nov. 27. Meade to acknowledge his offence in the parish church of Allerton, in his ordinary apparell on Sondag forenoone, Dec. 7, standing before the minister in submissive manner for one hour, and pay unto his majestie 20*l*. The same sentence passed upon Lambe for contempt of authoryty onely. It appeared not that he had disswaded Edward Lamb from undergoeing his oath. 1629. Feb. 12. A monicion had been awarded to shew cause why the sentence should not be executed and to see the costs taxed. Noe way appeared. In regard of the unseasonableness of the weather, reserved till next court. 1629. Apr. 11. Mr. Hutchinson exhibited a rule of King's Bench for staying the cause against Meade. The commissioners would not accept thereof, but respited the cause. 1630. Mar. 11. Rd. Bell brought a prohibicion of Kynge's Bench for Mead. As touching Meade a supersedeas decreed.

THOMAS WANLES, clerke, on the promociion of Mr. MARKE LEONARD,<sup>b</sup> clerke. Hyndering Divine service at Muncke-hesleden church. — 1628. Sep. 11. *Robert Radcliffe* of Lumley Parke, aged 54. Being one Sondag at Hesleden church did see the church doores locked. Deponont and others departed in much

<sup>a</sup> This word is of very rare occurrence in these books. In its stead we almost always find "contemptible." This adoption of the latter word, says Johnson, is "no proper use," but his authority for it is Shakspeare. "If she should make tender of her love, 'tis very possible he'll scorn it; for the man hath a contemptible spirit."

<sup>b</sup> In the lists of vicars, Mark Leonards is said to have succeeded in 1628, on the death of Henry Wanless.

discontent. Heard Wandless intreat the parishioners to goe some to Hart church, others to Castle Eden and the neerest chaples, in regard he would not open the doores lest Mr. Leonardes should putt him out of possession. L. — Sep. 18. *Richard Smith* of Hutton Henry, aged 56. Wandless was not at any church or chaple to heare divine service the day articulate. Wandless doth keepe 2 greyhoundes and 2 or 3 good horses for the most part to ryde and hunt upon, and usually goeth a hunting with the said greyhoundes. II. — Sep. 23. *John Wat-son* of Sheraton, aged 50. Did see Marke Leonardes at the church of Hesleden upon a Sondag with an intention to preache and reade divine service, but Wandlesse would not suffer Leonardes soe much as to come in the church. Upon which Leonardes tooke forthe of his pockett a processe forth of some of the ecclesiasticall courts at Durham, and redd the same in the churchyard there to the people assembled to heare divine service, which when Wandlesse heard he did say that he would not obey any such processe, sayeing they that made them had not power to make them. By reason that Mr. Wandlesse did lock the church doores noe divine praiers or sermon was made the same day. Heard Wanles say that he broke his shoulder bone in ryding or coursing his horse over Woodham Moore. *John Wat-son*. — *William Lonsdale* of Sherraton, aged 30. + — Oct. 1. *Edmond Ellinor* of Hutton, aged 60. Wanles said he would be their warrantes to pay noe tithes to Mr. Leonardes, but to himself. The people returned back much offended that they could not heare divine service. Wandless was not presente the 11th day articulate either in church or chaple to heare divine service. Wandless doth often use horsecoursing, and did himself runne his horse at Woodham Moor, and there he broke his collar bone, as he told examine, and doth often use hunting with doggs. *Edmond Ellener*. — *Anthony Fawell* of the city of Durham, aged 34. The 17 May, 1625, deponent being at Woodham Moore, did see Wandless course a bay maire there, and in the coursing of her gott a great and dangerous fall, and therewith broke his collar bone, as was reported. *Anthony Fawell*. — Nov. 27. To acknowledge his offence in Munckehesledon church on Sunday, Dec. 7, in his ordinary apparell, &c. Dec. 11. Submission certified. Charges taxed with great moderation to 3*l.* 10*s.*

GEORG WAWDY of Ludworth. For abuseing Mr. Liveley.\*

\* One of the Commissioners, and Vicar of Kelloe and Gainford. "John Lively, Vicar of Kelloe—Had six daughters and never a fellow," [husband or son?] He was ejected from Gainford, but must have been a most prudential High Commissioner, for he kept Kelloe and died there in 1650-1, a rich man.



1628. Jan. 24. *Alice Lidle* of Kelloe, spinster. Remembreth Mr. John Lively, vicar of Kelloe, being at some conference with Geo. Wawdy, and telling him that he should not make a highway through his yard adjoyneing to his vicarag house at Kelloe; whereupon Wawdy, after some other wordes passed, did, lookeing backe over his shoulder, say to Mr. Lively, "Yow a minister, yow a devill!" — Feb. 7. *John Knaggs* of Wharrington, yeoman, aged 40. [Proofs of incontineney with Anne Emerson of Ludworth.] Heard Wawdy saie that the black coats, meaneing the clergie, had over much meanes, saieing, "the foule evill have them all," and that Mr. Liveley was a devill. II. Repeated before us, Ric: Hunt, Jo: Cosin, Jo: Liveley. — *Jane Vicars* of Cassopp, widdow, aged 60.—s. d. *Robert Allan* of Wharrington, yeoman, aged 44. Wawdie did buy Anne Emerson a savegarde<sup>a</sup> of greene carsie. Was angry with one of his neighbours for informing Mr. Liveley of some tyeth calves whereof he was likely to be couzened, and said the blackcoates had over much already, and woulde he helpe them to more? Robert Allen. — s. d. *Raph Moodie* of Coxhoe, par. Kelloe, aged 40. Wawdy did charge John Knaggs to be the man who had informed Mr. Lively of the tyeth calves. Rad. Moodie.<sup>b</sup> — s. d. *Anne, wife of Robert Allan* of Wharrington, yeoman, aged 40. — Oct. 2. Wawdy purges himself by 11 yeomen, compurgators, of incontineney with Anne Emerson. To perform his penance for abusing Mr. Liveley, as formerly ordered. Oct. 23. Certifies performance in Kelloe church. Costs taxed at 9*l*. 1629. Jan. 15. Upon his earnest petition, the commissioners were pleased to defalke of the bill 50*s*. 1630. Apr. 8. The sum now due, 50*s*., moderated to 33*s*. 4*d*., out of which moderation all such fees as concerned the commissioners are to be defalked. July 1. Paid. Finally dismissed.

Mr. PETER SMART, clerke. [Given with illustrative matter in Appendix A.]

NYCHOLAS PORTER<sup>c</sup> the younger and ANNE BIERLEY alias PORTER. Clandestine marriage, supposed by a Popish priest. 1628. Oct. 2. Attachments decreed to answeare articles at the next court. Nil fact.

<sup>a</sup> A riding skirt or large outer petticoat.

<sup>b</sup> This witness speaks to language of a blasphemous nature, which must be here omitted. The signature appears to be identical with that of a parish clerk of Barnardcastle of the name in 1638, who, however, in a subsequent deposition, gives his age at that time as only 46. William Moody, a relation, was then parish clerk of Kelloe.

<sup>c</sup> Nicholas Porter the elder would be the Nicholas brother of William of Shield Row, mentioned by the latter in 1618, and who had issue at that time.

JOHN REEDE of West Heddon, gent.<sup>a</sup> For abusing Mr. THOMAS TAYLOR, clerke. 1628. Oct. 2. The messenger had sought for Reede with an attachment, and he could not be apprehended. Intimacion decreed to appeare on the 23th under paine of 20*l*. Oct. 23. Nicholas Rayne the messinger brought in the intimacion publicquely executed in the parish church of Heddon by the said Thomas Taylor. Reede had given forth speeches that he intended not to appear. Fine of 20*l*. forfeited to his Majesty for contempt. Another intimacion sub pœna 100 marks to appear 13 Nov. Nov. 13. The messinger could not gett the intimacion signed by three commissioners, seeing Mr. Deane refused to doe the same. Renewed. Nov. 27. Robert Mitford, one of the messengers, had personally served the intimidation. Appeared not. The commissioners, out of their abundant mercy, expecte him till next court. 1629. Jan. 15. The 100 markes forfeited, and certified into his highnes' exchequer. 1632. Jan. 12. An intimacion sub pœna 20*l*. was awarded against him for his appearance this day. Appeared not. Fine forfeited. New intimacion. [*Qu.* if for same offence.]

GREGORY JACKSON, a prisoner in the goale. 1628. Oct. 23. Jackson petitioned, that whereas he had endured imprisonment for twoe yeares and more, for not paieing of his fyne of 10*l*. for beateing Nycholas Rayne<sup>b</sup> the messinger; and he conceived that the fyne was bestowed on Rayne for his paines and travaile; that the commissioners would, in regard of his long endurance and inhability, haveing nothing but his hands to live upon, require Rayne to accept five marks in discharge. They advised the messenger to take the same and decreed Jackson to be released, yet he should enter bond to his Majestie's use to appeare upon warneing at Lanchester church, which they required me the actuary for to take.

RALPH GREENE of Nether Bichburne, on the promociion of and for abuseing Mrs. DOROTHIE HUTTON, widdow. 1628. Nov. 13. Attachment. 1629. Jan. 15. Bound with Michael Dobbison of

<sup>a</sup> See the cases relating to William Wilson, above p. 8.

<sup>b</sup> Probably a member of a respectable family of that name seated at Shipley near Barnardcastle. On 5 March, 1634-5, "Nicholas Rayne of the Cittie of Durham, gentleman," makes his will, ordering his body to be buried "in the parish church of St. Nicholas, as neare my *elf* father Charles Slingsbye, clerke, parson of Rothburye, as possible may be." There is nothing of any interest in the document, and the sum total of his inventory amounts only to 7*l*. 16*s*. 2*d*. "Mr. Nic. Raine, pursuivant," was bur. at St. Nicholas', Newcastle-on-Tyne, 7 March, 1634-5 (?). On May 1, his widow, Margaret, administers to his effects. She was probably a daughter of the Rector of Rothbury.—J. R., jun.



Witton upon Weare, in 20*l*. each to answeare articles. Jan. 29. Hath answered. Apr. 11. Greene refusing all benefitt of defence, and desireing an end of the cause, it appeared that he did rayle or brawle in the church-yard, as alsoe call the said Dorothe Hutton "turne coat," which they conceived reflected upon the doctrine and government of the church, in discouraging her upon her good conformity. He shall doe submission in the said church or chappell of Witton of Weare in his ordinarie apparrell, in manner to be prescribed in a schedule, as alsoe to pay 40*s*. fyne to his Majestie's use. 1631. Sep. 8. Greene petitioned that his personall appearance might be spared. Granted. Oct. 27. Intimacion sub poena 20*l*. Nov. 24. Forfeited. Another intimacion sub poena 40*l*. 1632. Jan. 12. Durst not appeare by reason of debts. To performe submission at his owne house before the mynister and churchwardens. Feb. 9. Certified. Mar. 8. Costs taxed at 4*l*., whereof to the messenger 10*s*. May 31. Costs moderated to 40*s*. on consideration of poverty, and paid.

DOROTHE PROCTOR, spinster, on the promocion of and for abuseing Mr. THOMAS GREY, clerke.\* 1629, Jan. 15. The messenger brought in Proctor by force of attachment. Grey bound to prosecute. — 1630. Apr. 8. *Elizabeth Watson* of Pontyland, spinster, aged 24. Heard Dorothe Proctor nominate, tearme, and call Mr. Thomas Gray "base bastardly roague," and "base rascall," in the towne gate of Pontyland, unto the said Thomas Gray. Her mother is a tenant to Mr. Gray, and she liveth with her mother, though she careth not whether party gett the victory.+ — *Mark Fenwicke* of Pontyland, yeoman, aiged 33. Dorothe Proctor did meete Thomas Gray in the towne gate of Pontyland, whereupon she reproved him for that his tenants' cattell did eate up her father's grasse, and upon some other passages betwixt them, the said Dorothy did nominate him "base rascall, base roague, base bastardly roague,"+ — May 27. Sentence next court. [Not entered, if given.]

WILLIAM HIXON of Morden, recusant. For his misbehaviour in the Abbey Church. 1629. Jan. 15. Appeared and sworne to

\* Ejected from Ponteland, and robbed of everything, even of the beds of his seven children. His kind neighbours supplied the want of them by lending him beds at night, and taking them back in the morning to prevent the theft of them also. The soldiers first took away all the children's shirts which were not actually on their bodies, but they came again and stript them of the rest; of these last, however, a pitying captain compelled the restoration. Grey himself was carried to Newcastle, and, after some harsh usage, was "rescued by a Right Honourable person of his own name, who maintained him at one of his own seats till his death."—Walker, ii. 253. There is a pamphlet among the Delaval Tracts in the Library of the Dean and Chapter, on the subject of Grey, and the hard usage he and his family were constrained to undergo by the usurping party.

answeare.—Apr. 16. *John Hutchinson* of the North Bayley in the cyty of Durham, tanner, aiged 38. A litle before Christenmas last, examine and Mr. Wanles being walking in the Abbey church in the beginning of praiers, there came a strainger in at the north church doore thereof. Examine fynding fault with him, and seeing him drunke did repaire unto him, and wished him to be gone from thence, but he tolde examine thereupon that he had busines with Mr. Deane, and that he would goe to him; and soe the strainger did pass along from him, and would not be turned backe: and from thence he did goe in at the side ally, and heareing the people at service, soe into the Queare nere to the altar, and there begunne a roareing or cryeing in very barbarous manner, untill examine and Robert Reynoldson carried him away. Since haveing seene the said stranger, he conceiveth his name to be William Hixon. ¶ — *Robert Reynoldson* of the cyty of Durham, tanner, aiged 40. There came a man into the Abbey church in evening prair tyme, much overtaken with drinke, and after he came into the ally nere unto the Quier he fell a roareing and singing, by meanes whereof he disturbed devyne service; and soe did passe along the said ally into the body of the queare, where he still continued his unseemely course. Examine thereupon, being one of the virgifers, did goe unto him and tooke holde of him, and soe carried him forth. Afterwards enquired of the stranger's name, which he understandeth to be William Hixon. Robert Renoldson. — 1630. Mar. 11. Messinger could not fynde him. May 27. Could not conveniently nor without dainger come to the cyty by reason of debts. 1631. Oct. 6. Had received an hurt by a horse soe as he could not come. 1632. Mar. 8. Some of the commissioners were not informed of the state and proceedings of the cause. Sentence respited. Apr. 12. Sentence. Hixon had comitted a great misdemeanour, [ &c., ] which the commissioners conceived was done in contempt and dislike of the service of God, used in our church, and the rather for that Hixon is a recusant papist, and not conformable to the lawes of this realme. He shall make an open submission at the markett crosse in Durham, upon a Satterdaie when as the congregacion should be assembled, in his lynneing apparell, and paie costs and certifie.\* May 3. Monition. (*Note added.* Mortalium numero modo decessit.)

\* Mr. Surtees (iii. 45.) dates a similar sentence on Feb. 9, 1630, by Dean Hunt, Cosin, Robson, &c., the offence being "his profane and outrageous roaring and *bel-lowing like a bull*, near unto the Queare door, whereby the service of God was interrupted, and which was conceived, &c."



CUTHBERT NEWTON of Bywell. For procureing attachments from this honorable court, and giving noe accompt thereof. 1629. Jan. 15. Attachment to come in and prosecute. Jan. 29. The messenger could not fynde him. 1631. Sept. 8. [no intermediate mention] Could not be mett withall. Oct. 27. Intimacion sub pœna 20*l*. Nov. 24. The 20*l*. to be certified. Another intimacion sub pœna 40*l*. 1632. Jan. 12. Fyne of 40*l*. forfeited. A new intimacion. [No further proceedings.]

DUDLEY SWANNE. Suspicion of adultery. 1629. Jan. 29. The messenger did bring in Swanne, but in regard there was but a bare suspicion thereof, and that the commissioners conceived that they had noe warrantable cognizance of the cause; they thereupon dismissed the same for the present.

THOMAS REEDE of Heddon on the wall.<sup>b</sup> Not assisting the messenger. 1629. Feb. 12. Brought in by attachment. To answer and enter into bond for further appearance. Apr. 11. Bond forfeited. 1630. Mar. 11. Did not appear, (then of Newborne.) Decreed as before. — Apr. 8. *James Carre* of Whichester, co. Northld., gent., aged 50. William Wilson was carried by the messenger to the house of Reede wherein his mother selleth ayle. Robert Mitford [the messenger] requiring Reede to assist him in conveying the prisoner according to the attachment (he being bayliffe of the towne) Reede replied that he would assist him noe longer then he was in the house, and tolde him that he was noe comon bayliffe, but Lord William Howardes bayliff, and in very contemptible manner did tell the messenger that it were good for the wives to stone such an one forth of the towne; by meanes of whose refusall, the messenger was forced to leave the prisoner and onely to take his bond for appeareing at Durham, for there would noe other give assistance when as they sawe Reede the bayliff refuse, saveing such persons as the messenger brought with him. Reede is of the parish of Newborne. *James Carr*. — Apr. 29. *Richard Rigg*, par. Heddon on the wall, aged 26. Mitford did attach Wilson, and Wilson in very stubborne peremptory manner refused to goe with him, yet after a litle space, haveing better considered thereof, he did goe with him to the house of Widdow Reede. Presently after Thomas Reede came in, whereupon the messenger understanding him to be bayliffe of the towne, required him

<sup>a</sup> Two more cases, arising out of the misdoings of Mr. Wilson. See p. 10. It appears from the case of Robert Fenwick, hereafter, that these proceedings were irregular, Mitford not being a public messenger.

to give his assistance according to the tenor of the warrant, and Reede answered that soe long as he was in the house he would assist him, "but," quoth he, speaking to the messenger, "when yow are gone forth of the doores I know what I have to do:" and he further sayd unto the said messenger that it had been well done of the wives of the towne to have joyned together and have stoned him forth of the towne in regard of his hyn-dering divine service. Richard Riggs. — 1631. Nov. 24. Ex-ception against witnesses. 1632. Apr. 12. He shall publicquely acknowledg his disobedience in the parish church of Heddon upon the Wall, where he now liveth, upon some Sondaie in tyme of Divine service, in the forenoone, in his ordinarie appa-rell, and pay costs and certify. May 3. Bond forfeited for non-appearance to take schedule. May 30. Took it. July 5. Submission certified. Costs 6*l.* 10*s.*, of which 30*s.* to the mes-senger. Nov. 22. 20*l.* forfeited for nonappearance to pay. 1633. Jan. 10. 40*l.* forfeited. (*Note.* Remitted Nov. 7). Feb. ult. Appears, and on his submission and promises, respited. Mar. 8. Excommunicated for nonappearance to pay. Sep. 5. 10*l.* forfeited and certified. Sep. 26. Appeared. Raph Fen-wick made affidavit that Reede was not at home last court day. Forfeiture retracted. To pay costs at Martinmas.—For non-paiement of fees. 1635. Jan. 22. Attachment. May 28. Not found. June 25. 10*l.* forfeited and certified. July 30. At London. Sep. 23. Not found. Attachment and intimacion renewed.

CHRISTOPHER HOPPER of Heddon. Not assisting the messenger. [Similar case to the last.] 1629. Feb. 12. Brought in. — 1630. April 8. *James Carr* of Whichester, gent., aged 50. Saw the messenger with Wilson neere the doore of Hopper. Wilson would not goe but by force. They were struggleing to-gether. Hopper came forth of his house and looked upon them. The messenger did, in his Majesties name and by vertue of the commission, require his assistance, yet neverthesse Hopper refused to give any, but stooode leaneing on the doore laughing and jeareing him. *James Carr.* — May 30. *Robert Mitford*, of the cyty of Durham, gent., aged 30. About Candlemas, 1628, by force of an attachment, did arreast Wilson, and did with much difficulty bring him downe the townegate of Heddon. Hopper being standing in his doore, examine drew forth his warrant and required his assistance. Hopper neither gave him answeare nor assistance, but came and tooke Wilson his cloake from him, by meanes whereof he might the easilier escaipe, and soe in a jeareing manner did goe into his owne house and



left this examine and the party arreasted together. Robert Mitford. — 1632. April 12. Sentence same as Reede's. July 5. Certified performance. Costs 6*l.* 10*s.*, of which 30*s.* to the messenger. Nov. 32. The commissioners being certified of his povertie, did suspend proceedings untill they were better informed. 1633. Mar. 28. Excommunicate. Sep. 5. Certificate of povertie. The commissioners wished the officers to remitt the fees, whereupon they dismissed Hopper.

ELIZABETH DIXON, spinster. Notorious incontinency with CHRISTOFER ATHY, gent.\* 1629. Ap. 11. Brought in. Confessed that she had borne two children within the last two yeares begotten by Athey. Both Athey and Elizabeth enjoyned corporall penance three severall Sondaies in the cathedrall church of Durham. Dixon shall live and remaine in the custody of William Porter untill order otherwise.

HENRY PRATT, of par. Siggeston. Presented for an Anabaptist. 1629. Ap. 11. Brought in by the messenger. Entered into bond. 1630. Mar. 11. Sworne to answere articles. To enter bond with sureties for his further appearance to answere the cause. Refused. To be sent to the goale untill he should doe the same. July 1. Hath answered. Sentence next court. [None entered]. 1631. May 21. He, being prisoner in the goale, humbly desired the commissioners to release him, whereupon, taking into consideracion his long endurance, they decreed him to be released, yet soe as he should enter bond with two sureties for appearance before them or others, [&c.] upon fourteene dayes warneing, which he did accordinglie.

WILLIAM WILKINSON, prisoner in the goale at Durham. 1629. Apr. 16. [No proceedings, but the following note]. Uppon Satterdaie, 9 Jan., 1630, Wilkinson preferred a petition to the right worshipfull Mr. Doctor Easdale, Mr. John Cosin, Mr. Ferdinando Morecroft, commissioners, for his release, whereupon they were pleased to release him on entering good bond for his appearance upon tenne dayes warneing at Robert Wilkinson's house in Hartlepool, which he entred into accordingly.

WILLIAM ROSDEN of Berwicke. Suspicion of adultery with ELLENOR BURRELL, alias STROTHER. 1629. Sep. 10. Bond for appearance forfeited, yet the said Rosden appearing that daie

\* Of Bradwood.

afterwards, certifying of the bond respited. Proceedings suspended untill the suite for precontract of marriage commenced by him against the said Ellenor should be determynd. — 1632. May 31. To proceed, for that the contract . . . . [illegible]. July 5. Appeared, and alledged that he was convented and punished for the offence by the official of that jurisdiction where he lived, and had his testimonials upon the performance thereof, notwithstanding which the commissioners tooke him sworne to answeare the articles, and decreed that he should enter bond to answeare, in regard they conceived that he was first called before them, soe the cognition thereof belonged to them. Oct. 25. Hath answeared, and is bound to appeare from court daye to court day. The commissioners, in regard of the uncertainty of their court, were pleased to excuse his absence. Monition to shewe cause whie his bond shold not be forfyted. Nov. 22. Attachment. 1633. Jan. 31. Contumacious. Feb. ult. Excommunicate. Mar. 28. William Rosden did present unto the commissioners a letter from the Archbishopp of Yorke his grace, which they accepted with all due reverence and obedience, and upon the opening and peruseall thereof decreed to staie all further proceedings therein, as alsoe to transmit the same according to the tenor and purport of his grace's said letters.

HENRY WOODRINGTON of Cheesburne Grainge. 1630. Ap. 8. The messinger had shewed him the letters missive. Attachment for contempt. Ap. 30. Alexander Hall made affidavit that Ludowicke Woodrington, father to Henry, was so sicke and infirme that he durst not adventure to leave him.\* May 27. Sythence the last court day had appeared before some of his majestie's commissioners, whereupon for certaine reasons best knowne to themselves they had dismissed him.

HENRY SMYTH of Thorneley. 1630. Ap. 8. The messinger brought in Smyth, being presented for contempt of the ordinary jurisdiction, and not repaireing to his parish church. Recognition of 100*l.* to his Majestie's use that he should stand to the sentence of court and certify of his conformity. 1631. Oct. 6. To enter bond with suretyes to appeare on the 27th, and soe from court day to court day. Oct. 27. Former bond to be cancelled. To enter new bond to appeare upon a monethes warning, and in the meane time to dismisse him in this instance.

\* He died the same year. Henry does not seem to occur in his will. Hodgson's Nd., II. ii., 542.



CUTHBERT HEARON, Esq., of Chipchase. 1630. May 27. The commissioners, for divers reasons knowne to themselves, respited the cause. 1631. Oct. 6. Mr. Cuthbert Ridley, parson of Symondburn, informed his lordshipp and commissioners that Hearon was in the Kinges services. Whereupon dismissed soe as he paid the fees. Oct. 27. Called (to pay). Appeared not. Decreed *ex gratia* to expect him. Nov. 24. In regard of his esteeme and place, respited. 1632. Jan. 2. Respited till next court. [The same day, the name of Cuthbert Hearon of Chipchase, without the addition of *Esq.*, appears among several other persons whose fines of 20*l.* for nonappearance on intimation were forfeited.]

ROBERT LUMSDEN<sup>a</sup> of the Horse Holes, co. Northumberland. Contempt of the ordinary jurisdiction, and for beateing the messenger. 1630. July 1. Robert Mitford informed the commissioners that, by vertue of an attachment from this court, he did apprehend Lumsden; but he being accompanied with six men and nine woemen, did rescue himselfe, and alsoe violently beate the said Mitford and tooke his weapons from him. Attachment sub *pœna* 60*l.* decreed. 1632. Jan. 12. Fyned 20*l.* under an intimation. Oct. 25. He entered bond to appear at a day now past. Nov. 22. Warrant. 1633. Jan. 10. The place was soe farr distant from this cittie of Durham the messenger could not get the warrant executed. New attachment. Feb. 21. New attachment sub *pœna* 60*l.* as before. Feb. ult. Warrant sub *pœna* 20*l.* renewed. July 11. Could not be found. Attachment with intimation sub *pœna* 20*l.* Aug. 15. Appeared, being attached. Committed till bond with suerties to answeare. Bond taken on Monday after. Sep. 5. Sworne to answeare before next court. Sep. 26. Hath answeared. Mr. Hutchinsonn exhibited a proxie for Lumsden, and made himself a partie for him. 1633. Sep. 26. *John Pottes* of Wingaites, co. Northd., yeoman, aged 30. It was vehemently suspected that John Galland his wife and Lumsden lived together in adulterie. Mitford shewed this examine a warrant from the commission court at Durham for the attaching of Lumsden, and required examine to assist him. Uppon theire comeinge unto the dwellinge house of Lumsden, Mitford lighted from his horse, and went into the house and did arrest him in the presence of examine. Lumsden would not obey, whereupon Mitford required all presente in the Kinge's name to assist him; but Lumsden replied that he would not be taken with

<sup>a</sup> The proceedings in this case are abstracted more fully.

him, neyther did he care for the king, queene, or him; and thereupon did call of a great manie whoe were presente, and said, "Fie, theeves, murther them or cutt there throates," at whose callinge all the parties presente, beinge aboute eight or nyne men and halfe a doozen woemen, did, in violent and outrageous manner, assalt and beat Mitford and examine, and rescued Lumsden. Mitford his face was all bloode, and much of his haire pulled of his head; and Lumsden and such others as assisted him did thrust examine and Mitford forth of doores, and did beat them with great clubbes and staves after they had takenn from them their weapens, by reason of which strokes examine did keepe his bedd one moneth after, and was hopeless of recovery. They tooke from Mitford a sword and a pistoll, and from examine a sword and a hilted dager. They called one of the parties whoe did resist Pescodd. + — *Robert Mitford* of Durham, gent., aiged 34. Lumsden was called into Mr. Archdeacon's court, and was signified unto his Majestie's commissioners for not appearinge in the said court, who thereupon, at severall times, did grant warrants and intimacions against him, which examine did ride about manie times in great danger of his life. Did first repaire unto the dwellinge house of Lumsdenn, at Horshooles, and did take John Pottes to assist him, aboute May, 1630. Did aske one whoe was cominge forth a doore if the said Robert were within, by which personn he understoode that he was. Found Lumsdenn sittinge in a chaire in his house. The people turned them out of doore and bett them with great stanges that were about the house. Lumsdenn and his confederates have since deteined the weapens from them. In August last, by force of another warrant, did arreast Lumsdenn in Newcastle upon Tyne, whereupon he did revile examine, and would not obey his arreast, saieinge, "Hange the, rogue, art thou comen with a fase warrant to arreast me againe? I will not stirr my foote for the." Examine was forced to goe to Mr. Robert Andersonn, a magistrate of Newcastle, whoe, after peruseall, tolde Lumsdenn the warrant was sufficient to apprehend him. Notwithstanding which, Lumsdenn snatched at the warrant, endeavoureing to have gott it from examine, and when as he could not prevaile, he clapped his handes, and stamped with his feete, and gnashed with his teeth, and called examine "Rogue, theife, and beggerlie rascall," and spitt in his face, and he said he would answere the cause in a higher place, to this examine's greate shame. When as he could not get Lumsdenn to goe with him, he did send for Nycholas Raine, the messenger of this court, to come and assist him, and uponn his comeinge Raine did require



Lumsdenn to goe with him accordinge to the tenor of his warrant, whoe likewise, in verie contemptuous manner, did abuse Raine, and call him "base, beggerlie fellow," and bid both him and this examinee kisse, [&c.,] saieing further to examinee, "In faith, theife, if ever thou come the waie thou haist comen, I will cutte thy journey short once within a twelvemonth." Robert Mitford, — *Nycholas Raine* of Durham, gent., aged 47. Had a warrant granted by his Majestie's commissioners against Lumsdenn, and at the assises holdenn at Newcastle for the county of Northumberland, Robert Mitford, beinge then employed by examinee as his deputie, did arreast him. Mitford sent for examinee to come to assist him. Found Lumsden and Mitford in Mr. Anderson's curtin or backside. Lumsden refused to obey, and tolde this examinee that both he and Mitford were base beggerly fellowes and rascalls, and willed them both, [&c.,] and asked them if they were comen with more cheateinge warrantes unto him. Examinee did see him spitt in the face of Mitford. *Nicholas Rayne*. — 1633. Nov. 28. Publication. 1634. Jan. 14. Monition for sentence. Feb. 11. Not executed. Renewed. Mar. 4. Published in the parish church where he liveth. Contumacious. Apr. 1. New monicion in regard of the death of his proctor and of his owne absence. Apr. 29. The messenger had bene at the dwellinge house of Lumsdenn, and had givenn notice thereof unto some of the householde. Certificate of the minister where he lived that he had notice thereof. To proceede to forfeiture of bond. Monicion against the bondsmen to shew cause. May 14. Messenger had bene at the dwelling house of the bondsmen. They appeared not. Bond forfeited. June 5. Decreed to send an attachment to the Sheriff of Northumberland, to the end Lumsden might be apprehended and be personallie at the sentence. June 20. Sent in by Mr. Sheriffe. In regard of his manie contemptes, committed to the custodie of the messenger untill the commissioners should take course for his deliverance. Aug. 8. Tearme assigned him to propound matter. Bond for his appearance. Oct. 23. Lumsden's witnesses sworne to depose the trueth. — *George Hall* of Wrigill, co. Northd., gent., aiged 38. Hath knowen Lumsden for 20 yeares and above. To the first and second articles referreth to the deposicions of witnesses in this cause produced and unto law. Dureing all his lityme hath lyved within foure myles of Lumsden. Dureing all the tyme of his remembrance Lumsden accounted to be an honest man and charitable to the poore, and ready to doe anie good office of neighbourhood. Knoweth the same to be true. Lumsden's house at Horshooles is about five myles distant from part



of Scotland. Many Scottish people doe repaire unto his house to receive there almes. H.—*Ad Interr. ex parte officii.* To the first, he was not present at Horshooles at the tyme mencioned. To the 2nd, 3rd, and 4th, cannot depose. H.—*William Reede* of Prendicke, co. Northd., yeoman, aiged 50. Hath knowen Lumsden for 30 yeares. To the first and second articles referreth to the deposicions against Lumsden and unto law. Liveth about three myles from him. [Character same as in Hall's deposition.] Did not heare him accused of cryme with Gallon or any other woeman. About a yeare agoe was at Alnewick church, at a court there holden by Mr. Robson for the Archdeaconry of Northumberland. Did see Mr. Robson absolve Lumsden from his excommunication, and did see him paie the fees. Hath seene and heard Lumsden give good testimonie of his faithfull obedience unto his Majestie, by sittinge downe of his knees, and praieing for his Majestie and wishinge all saiftie and happinesse unto his Kinge's Majestie's personn. Is not taught to depose, nor hath anie reward, but confesseth that Lumsden married examine's sister, and beareth his charges.—*Ad Interrog.* To the first, he was not present at Horshooles at the time mencioned. To the 2nd, 3rd, and 4th he cannot depose.—*John Lumsden* of Roxebrough, in Scotland, aiged 40. Hath knowne Robert Lumsden for 12 yeares. To the 1st and 2nd articles referreth [&c.] Lumsden is accompted for a good and charitable man. Examine chanced to be at the said Lumsden's house, and there came twoe men to the doore, and the one of them, whoe he since understandeth is called Robert Mitford, called at the doore, and lighted of his horse, and wished examine to bidd Robert Lumsden come to the doore, which he did accordingly, and Mitford told him he must be taken with him, and thereupon the said Mitford presently drew his sword and tolde him he would make him be taken, and did offer to strike at him with his drawen sword and to have slaine him, but that the people came about them to assist him, and tooke the weapons both from Mitford and the other man, yet did them noe harme as this examine beleeveth. For his owne part did not see any authority which Mitford had. Did not medle with them, but held Mitford's horse for a great space together. Lumsden liveth 7 or 8 myles from Scotland, and manie poore Scottish people repaire thither for releife. Beleveth that the weapens were taken by the people aboute the house, and not by Lumsden himselfe. Is not instructed, nor hath anie reward, nor of kindred, saveinge that he hath his charges borne by Lumsden.—*Ad Interr.* To the 1st, satisfactum est. To the 2nd, he had occasion at that time to fetch some cheises from

Robert Lumsden, and to carrie them into Scotland to one whoe had bought them there. Was neyther then, nor yet is, a servant to the said Lumsden, yet confesseth is a well wisher unto him. To the 3rd, he did neyther heare Lumsden refuse to be arreasted, soe as he had authoritie, neyther did here Mitford require them that were present, in the Kinge's Majestie's name, to helpe him. To the 4th, there was present therat foure woemen, called Katharine Graie, Christian Archbolt, Margaret Lumsdenn, and Barbarie Reede, and alsoe one James Scott and this examine, and noe moe to his remembrance. Had noe weapens, nor he thinketh that the rest had anye.+ — *James Scott* of Etall, nere Foord, co. Northd., yeoman, aiged threscore yeares. To the 1st and 2nd articles, referreth to the canons, and constitucions, and unto law, and otherwise beleiveth the same to be true. Was at Robert Lumsden's house at Horshooles when twoe men came, and one of them offered to arreast him, but examine thinketh he showed noe warrant, and soe Lumsden refused to be taken, whereupon both the men drew there swords in the house, and did offer to strike at him, and examine runeing amongst them to prevent hurt, did gett his cloake cutt. There were aboute twentie woemen as he thinketh, whoe laid hands of the said men and tooke there weapens from them, and did put them to the doores. Hath no reward saveinge his charges, nor of kindred.(.) — *Ad Interr.* Had some occasion at Horshooles to buy wooll of Lumsden, and confesseth he is a well wisher unto him. Did not heare the men charge the people to assist them. There were a great manie woemen, and ther was a taylor and John Lumsden and noe moe to his remembrance. None of them had anie weapens.(.) — *Robert Alder* of Alneham, co. Northd., yeoman, aiged 55. Lumsden is accompted for a man of good life. Neyther did ever heare that he was presented for the crime objected, yet beleveth that he was accused as accessarie to the death of John Gallon, whoe was murdered by his owne wife. Howbeit Lumsden brought his suite against them whoe charged him therewith, and thereupon they acknowledged the wronge, and paid him the charges of suite. Was an arbitrator for Lumsden in that busines. Lumsden liveth 4 or 5 myles from the Scottish ground, and manie poore people, both Scottish and English, repaire unto him, and have much releife. Is neyther taught, nor of kindred, nor hath anie reward saveinge his charges, which he expecteth and hopeth to receve.+ — *Ad Interr.* Was not presente at the Horshooles at the time mentioned.+ — 1635. Feb. 19. The messenger sicke, and not able to stirr abroad to execute his highnes' service. May 28. Lumsden appeared,



and desired an end of the cause. It appeared that he was charged with contempt of jurisdiction, and that he stood excommunicate in Mr. Archdeacon of Northumberland's court, whereupon warrantes were awarded against him [from this court,] &c. [giving the offences detailed in the evidence for the office], and nothing was alledged or proved on the behalfe of Lumsden which was eyther effectuell or concludent in law to enervate the testimonies of the wittnesses. Therefore his Lordshipp and the Commissioners, after mature deliberacion of the continued disobedience of Lumsden, and of the scandall thereby given to other refractary persons in that rude part of the country where he liveth, proceeded to give sentence for the violence done to the messinger and disobedience to authority, omitting his disloyall woordes spoken against our most gracious Lord the Kinge's Majestye that now is, and his royal consort the Queene's highnes, as followeth. To make a publique acknowledgment of his offence before his Majestie's Commissioners at the next court, as alsoe in his parish church and at the markett crosse at Alnewicke, in penitent manner, according to a schedule. To be imprisoned in the common goale for one moneth. To paie to his Majestie for a fyne 100 markes. Condemned in costes. To certify performance of submission at the second court next. 1635. June 25. Had performed his imprisonment. Released. July 30. Brought certificate of performance of his submission. Aug. 1. Costs taxed at 10*l*. Oct. 21. Could not be found. Dec. 2. Penalty of 50*l*. forfeited. 1636. Ap. 28. Diligently sought for at his dwellinge-house; notice given to his wife. Penalty of 10*l*. forfeited. 1637. July 18. Penalty of 20*l*. forfeited. Sep. 19. The like of 20*l*. Oct. 24. The like of 20*l*. Dec. 5. The like of 20*l*. 1638. Apr. 10. 20*l*. forfeited for contumacie. (*Note*. 30 Aug., 1639. The fyne was remitted and discharged, in regard there were divers formerly certified against him.) May 8. 20*l*. forfeited. [Similar note of Aug. 30, 1639.] June 12. George Lumsden, his sonne, appeared and offered himselfe readie to pay for his father 8*l*. for costes. Accepted, accordinge to some direccions signified by the Lord Bishopp of Durham. Dismissed.

ROBERT FENWICKE. 1631. Sep. 8. Robert Mitford, lately imployed as a messenger of the court, did informe, upon his oath, that the said Fenwicke refused to give him any assistance in the apprehension of one Fenwicke, a prisoner, whom he had attached. Which day the said Robert being attached, appeared, and Mr. Hutchinson, his proctor, desired that he might be dismissed, unless the informer would make himselfe a party. It



appeared that Mitford was a private, noe publique sworne messenger, and would not make himself a party, therefore the Commissioners were pleased to dismisse him.

THOMAS EMBLETON the elder, of Newton, par Shilbotle.— 1631. Oct. 6. Bond to appeare. 1632. Jan. 12. Thomas, his sonne, preferred a petition that Thomas the elder was hyndered, by the violence of the weather and the death of one of his sonnes, that he could not appeare 27 Oct. last, and on 24 Nov. last he was, and yet is, visited by great sicknes. Forfeitures retracted. Decreed further upon the petition that the mynister of that parish should absolve him by force of the canon, being in articulo mortis, and that a note to that purpose should be sent from this court. 1632. Nov. 22. Thomas, the sonne, alledged that his father was soe infirme that he was not able to come without dainger of his life, and entered bond for his appearance before the official to the Archdeacon of Northumberland. — For contempt. 1635. June 25. Attachment. 1635. Oct. 21. Exhibitted aunsweares. 1636. Apr. 28. Thomas, his sonne, made oath that he was soe infirme and weake that he could not appeare. June 21. Remitted to the ordinary jurisdiction. Oct. 25. Renewed attachment for contempt of jurisdiction. 1637. June 20. Cause remitted to the determination of Mr. Chancellor. 1639. Feb. 5. Attachment for not certifying and payeing costes. July 23. Attachment with intimacion sub poena 10*l*. renewed.

JOHN OGLE of Braidford, gent., RAPHE MIDLETON of Trewicke, gent., and JAMES SMYTH of Angerton, yeoman. 1631. Oct. 6. Recognizances by each, the others joining as sureties, for appearance before the official to the Archdeacon of Northumberland.

RICHARD FENWICK, of Wylom.\* 1631. Oct. 27. Desired he might be dismissed, or that there might be a partie to promote the office who would answere his costes. Dismissed.

WILLIAM HALL the younger, of Sct. Andrewes in Newcastle. For incest with Elizabeth Hall, widdow. 1632. Jan. 12. Fyned 20*l*. on intimacion for non-appearance. New intimacion. 1632. May 3. Sworn to answer. May 30. Hath answered articles. Appeared and submitted to the correccion and mercy of the reverend judge, renouncing all benefitt of defence.

\* Younger brother of Wm. Fenwick of Heddon, gent.

Whereupon the Commissioners, considering the quality of his offence, being for incest with his father's wife, decreed that the said William and Elizabeth should penitently, in their lynneing apparrell, bare head and foate, with a white rod in their hand, acknowledg there offence, once in the parish church of Sct. Nicholas in Newcastle, once in All Sanctes church, once in Sanct Andrewes, once at the Markett Crosse there, and once in the Cathedrall church of Durham, and alsoe pay 500*l.* fyne to his Majesty, with power of reservacion that if the said Hall should duely performe the same than then &c. [*sic*] which said decree he, in contemptible manner, opposed, whereupon the Commissioners did comitt him to the goale till he should fynde suerties to performe the same. July 5. Had performed his pennance excepting in the Cathedrall church. Oct. 5. Appeared not. The Commissioners, in regard of the uncertaintye of there court, excepted him into the next court upon notice. Nov. 22. Performance certified. Costs taxed at 5*l.* 1633. Jan. 10. Had noe money, neither could tell when to provide the same. To stand committ and to goe unto the goale untill he should make payment of the costs. Jan. 31. He was committed to the custodie of the messinger. The messinger brought him in. Committed unto the common goale. Feb. 12. On petition, costs moderated to 50*s.*, 30*s.* to be paid at Sct. Ellenmas and 20*s.* at Lammas. Released.

NYCHOLAS ATCHISON of Ebchester, at the promociion af Mr. MATHIAS WRIGHTSON, clerke, curat of Ebchester.\* For layinge violent handes upon a minister. 1632. Jan. 12. Appeared upon letters missive. Articles to be drawn. Mar. 8. Mr. Sisson, proctor for the party promovent, did accept the answeares in quantum. — May 3. *Anne Johnson* of Ebchester, widdow, aiged 50. About Michaelmas last, 1631, examine living in a house neere unto the mynister's house of Ebchester, and heareing a great noyse in the street, came runneing forth a doore, where upon her comeing forth neere her owne house she saw Atchison and Mr. Wrightson strugleing together in armes, in verie violent manner. Presently after they were putt asun-

\* On the first leaf of Medomsley Register is his autograph:—"Matthias Wrightson: et vicarius de: Meddemslly et Ebchester. curat. Favour is deceitful and Beauty a vaine thing."

Mickleton, in his list and anecdotes of the clergy of the county in his time or recollection, has a story to the effect that a hawk was taken in Mr. Wrightson's neighbourhood, with a label of parchment tied around its neck, on which were these words:—

"The parson of Ebchester me hath taken  
And both my eyes he hath outputten  
Because his chickens I have stolen."



der by some neighbours which came unto them. Did see some bloud about Mr. Wrightson his nose, and a scratch or blowe about his eye, both which she is verylie perswaded in her conscience was occasioned by there strugleing together. + — *Super Interrogatoria*. There was present besides herselfe Elizabeth Errington and Margaret Thompson, who saw them strugleing, and none els to her remembrance. + — *Margaret Thompson*, late of Ebchester, now of Hareholme, co. Durham, spinster, aiged 20. Lived with her sister at Ebchester, wife unto Mr. Wrightson. There came a little wench of the said Mr. Wrightson's runneing in a doore, and tolde examine that one was fighting with her father. Examine did goe forth a doores, and in the towne gate saw Mr. Wrightson and Atchison strugleing together. Saw Atchison to strike at Mr. Wrightson with his fist, whereupon his nose gushed forth of bloode. Atchison was pulled from him with much difficulty. Upon there sundring, Atchison called Mr. Wrightson "theife", manie tymes repeateing the same, and told him he caused it not his nose to bleed. All which was done in the presence of examine and her sister, wife to Mr. Wrightson, Anne Johnson, Elizabeth Errington, Barbara Wrightson and twoe daughters of Atchison's, and another woeman. Margrett Thompson. — *Super Interrog.* Did not see the beginning of the affraie, neyther did she see Mr. Wrightson strike at Atchison. Margrett Thompson. — *Elizabeth Errington*, late of Ebchester, and whilest shee there lived was servant unto Mr. Mathias Wrightson, now of Durham, spinster, aged 22. Heard a great noyse of people in the streete, and amongst the rest shee heard her mistris, Mr. Wrightson his wife, make a great skrimmage or out cry. Was much affrighted. Runn forth a doore. Saw her maister and Atchinson struglinge. They could not be gotten parted, for Atchinson would not be pulled from him. Saw Atchinson strike up at Mr. Wrightson his face, by meanes whereof he caused his noose to bleed, as alsoe did beat a peece a skin of his cheeke, which likewise did bleed a litle. Afterwards they were sundred. + — *Ad interrogatoria partis Nicolai Atchinson*. There was present Mr. Wrightson his wife, and his mother, late wife to Mr. George Wrightson deceased, twoe daughters of Atchinson's, and a woman which was a strainger, Margarate Tomson, Elizabeth Johnson, and a litle boy of the said Joynson's, and noe other person or persons. + — 1633. Jan. 31. Mr. Raph Hutton, advocate, and of counsell in adjuvamen eorum officii, did require that the proceedinges be oppenly redd, which was done by Mr. Sisson, proctor for their office, in the presence of Atchison and of Mr. John Browne, his advocate. [Mr. Hutchinson was his proctor.]



Sentence. Atchison to paie 10*l*. for a fine to his Majestie. To have a moneth's imprisonment in the custodie of the messinger. To make publick acknowledgment of his offence, once at the Markett Crosse of Durham, and another time within his parish church of Ebchester. In regard of laieinge violent handes upon Mr. Wrightson, to be denounced excommunicate.<sup>a</sup> To paie costes. Feb. ult. Had escaped, though he came again. Committed to the goale of Durham for 14 daies. Mar. 28. Preferred a petition, which was scandalous and calumnious, and did lye an accusacion upon the proceedinge. To remaine in goale untill he gave good bond to performe sentence. 1634. Aug. 8. Beinge prisoner in the goale and excommunicate, petitioned he might be absolved. Decreed accordinglie, and letters testimoniall. Oct. 23. Upon petition of Atchison, prisoner, punishment moderated. Should onlie make acknowledgment in Ebchester church, and paie costes. 1635. Feb. 19. Upon petition, released of his longe endurance. Bond to appeare upon tenn daies warneinge to be given at his parish church at Ebchester, when called to performe the sentence.

JOHN COMYN of Durham. 1632. March 8. Sworne to answere. April 12. Hath answered. Oct. 25. Had undergone punishment for his severall offences with Isabell Hudson. Exhibited letters testimoniall of Mr. Raph Hutton, official to the Right Worshipfull the Dean and Chapter, testifying performance. Takeing into consideracion that, by the Lawes of this Realme, noe man ought to be punished twice for one offence, the Commissioners dismis him, soe as he entred bond not to frequent her companie but in publike assemblies. To appeare to heare costs taxed.

WILLIAM BELL, alias URWEN. For incest with his wive's sister. 1632. May 3. Confessed. Enjoynd publique pennance at the Market Crosse foure severall markt daies, and foure Sundaes in the church, viz., twice in Sct. Nicholas, and twice in All Hallowes lineis vestibus. July 5. Performance certified. Alledged that he was overtaken with drinke at the performance thereof one tyme in the church. Attachment. Oct. 25. Lay sicke. Nov. 22. Could not be founde. Messinger left word at his dwelling house that he should appear accordinge to the tenor of the warrant, upon paine of 20*l*. Forfeited. 1633. Jan. 10. Paine of 40*l*. forfeited and certified. Intimacion sub pena 60*l*. Feb. ult. Appeared. Enjoynd to confesse publicly his offence for beinge drunke when he performed his last pennance,

<sup>a</sup> The previous punishment seems to have been in respect also of his calling him thief.

and to certify. Mar. 28. Performance certified by the minister and churchwardens of the chaplerie of All Sanctes in Newcastle. Dismissed gratis by reason of his povertie.

ELLENOR GREENE, wife of JAMES GREENE, and JOHN GREENE, her sonne. On the promociō of JAMES WALLACE,<sup>a</sup> clerke, vicar of Grindon. For abuseinge him. 1632. May 3. Sworne to answere. — July 5. *Mary Middleton* of Thorpthewles, widdow, aiged 50. On Thursday at night, about a fourthnight before Easter last, John Greene was drinkinge in examine's house in Thorpthewles, with Mr. Wallace and William Watson. Ellenor Greene casuallie, as examine conceiveth, came in, and after some conference betwixt Mr. Wallace and Ellenor Greene, which, this examine conceived, was by way of discourse and not otherwise, all the parties haistned away. Examine tooke a candle and lighted them forth of the house, but the winde beinge lowde did blow forth the candle in the openinge of the doore, soe as she was forced to come backe againe and light the same, and in her returneing to the doore againe, she found John Greene lyinge above Mr. Wallace, and Ellenor his mother powlinge her sonn from him, presentlie after which they departed, and Mr. Wallace and Ellenor Greene came backe againe into the house (Mr. Wallace havinge lost his band or his hatt), and the said Ellenor, in verie feirce manner, did thrust him away with her handes, sayinge, "Thou a minister, thou a devill, out rogue, out theife."<sup>b</sup> All which was done in the presence of her daughter Margerie Midleton, as alsoe Ann Tindell, her servant. — *Margerie Midleton* of Thorpthewles, spinster, aiged 17. Did see John Greene lyeinge above Mr. Wallace. Examine and her mother, beinge much affrighted, did runne forth a doores to call in some neighbours to part them, but before anie came they did sunder of them selves. Mr. Wallace and Ellenor Greene came backe, and upon his comeing forth the said Ellenor did thrust him away, sayeinge, "Thou a minister, thou a devill, out rogue, out theife, out Scottish rogue."<sup>+</sup> — *Ann Tindell* of Thorpthewles, spinster, aiged 18. Was laid downe to sleepe; in regard she had beene upp the most of the night before and gotten noe rest, and, on a suddaine, a litle wench of the house came unto this examine, cryeinge and saieinge that Mr. Wallace and John Greene was fighting. Awaiked, and came runninge

<sup>a</sup> He had been vicar since 1618, and succeeded Francis Greene.

<sup>b</sup> Mr. Surtees, vol. iii., 76, adds "out whoore!" and supposes that the last expression was so familiar with her on these occasions, that she applied it without much attention to *propria quæ maribus*. He quotes "Act Books of the Spiritual Court of Durham," and dates the sentence Feb. ult. as below.



forth, where she found Mr. Wallace betwixt the doores, lyeinge [ &c. ] Mr. Wallace came backe againe into the house, to seeke his hatband which he had lost, as she thinketh. + — 1633. Feb. ult. It did not appeare that John Greene did not beat nor strike Wallace, as was alledged (albeit they were upon the ground and Greene lyeinge upon his body), nor that he did give him anie scandalous wordes or demeane himselfe irreverently towards him, therefore the commissioners did absolutely dis-misse him. Ellenor shall publicuely, upon some Sondaie in the time of divine service the forenoone, submissively acknowledge her irreverent wordes, in the parish church of Grindon, accordinge to a schedule, and certify. For divers reasons the charges of court shall be equally paied by Mr. Wallace and the said Ellenor. Mar. 28. James Greene, her husband, monished to take forth the schedule of submission, and to heare the costes taxed. Apr. 30. Taxed at 7*l.* 10*s.* May 23. James Greene obtains six weekes for the payment of the 3*l.* 17*s.* 6*d.* due by his wife. July 11. Paied. Dismissed.

EDWARD NYCOLSON of Chollerton. For an incestuous marriage. 1632. Oct. 25. Had entred bond to appeare at the day now past. The commissioners, in regard of his deligence, whoe appeared at a court intended to be holden the daie by past, decreed a monicion to give him notice to appeare at the next court. Nov. 22. Attachment. 1633. Jan. 10. Could not be found. Jan. 31. Shutt the doores against the messinger, and gave him very contemptable wordes. Requisition unto the goalers to receive him into there custodies upon his apprehension. Mar. 30. Brought in. To enter bond to appeare at next court to receive articles and answeare [ &c. ] Could not. Com-mitt to the goale. Yet the day after he entred bond. May 23. Articles exhibitted. Sworne to answeare. To enter bond to answeare. Could not. Com-mitt to the goale. July 11. Re-quired to exhibit answeares citra prox. accordinge to his oath. Compulsaries against Geo. Nicholson, Henrie Denninge, and Robert Shipley to testifie. Aug. 15. He hath answered. The witnesses do not appeare. Attachments. Sep. 5. Nicholson and Shipley sworne. — *Robert Shipley* of Barasford, co. North-umberland, yeoman, aiged 47. About three yeares agoe Ed-ward Nicolson and Agnes Usher were married. She was daughter of William Usher, whoe was brother to Annas Usher, alias Nycholson, the former wife of the said Edward Nycholson. + — *Georg Nicolson* of Barrasfoord, yeoman, aiged 55. + — De-creed Edward Nycholson to be released upponn enteringe his owne bond to appeare upponn tenn daies warneinge to be givenn



at his parish church of Chollerton, and that in the meane time he should not come in the companie of Annas Usher, his pretended wife, unlesse in church, markett, or other publique assembly. Entred accordinglie.

RICHARD SOWERBY of Newsham. [For adultery.] Oct. 25. Appeared. Articles exhibitted. Nov. 22. Hath answered that he had committed the crime of adulterie. Refused all benefitt of defence, and desired sentence. He shall publicquely acknowledge his offence in the parish church of Winston, in time of divine service the forenoone, and paie 40s. for the use of the poor. 1633. Jan. 10. Certified and dismissed.

JOHN ALLANSON of Alnwicke. 1632. Nov. 22. Thrice called by the apperator. Appeared not. Paine of 20*l.* forfeited, with power of retraction. 1633. Jan. 10. Penalty of 40*l.* forfeited and certified. Jan. 31. Attachment sub poena 60*l.* renewed. Feb. ult. Respited till next court in regard of povertie. Flede forth of the countrie for debt. Decreed to send letters to the next justices, whereby he might be apprehended.

JAMES FARLEY, clerke. 1632. Nov. 22. Had had notice of letters missive. Attachment. 1633. Jan. 10. Gone into Scotland.

THOMAS SWINNOE of Mousonn, par. Balmbrough, gent. 1633. Jan. 10. Penalty of 40*l.* forfeited for nonappearance on attachment with intimacion. Jan. 31. Attachment sub poena 60*l.* renewed. Feb. ult. Submitted to sensure. Understood it was alledged that he had notice of a former intimacion in his parish church. The same came not to his knowledge. Forfiture of 40*l.* retracted and not to be certified. Dismissed to his ordinarie jurisdiction.

JOHN VAUX of Sct. Hellene Awckland, clerk. For sundrie misdemeanors. 1633. Jan. 30. Appeared on letters missive. Feb. ult. WILLIAM WILLIAMSON the younger,<sup>a</sup> gent., assigned necessarily to promote the office. Vaux sworn to answeare. Articles [as recited in the sentence]. Vaux had yearly<sup>b</sup> exposed to sale for divers yeares last, certaine almanacks which laie on the communion table—had practized the art of casting of figures, thereby pretending he could tell what was becomen

<sup>a</sup> Of St. Helen Awckland, and heir apparent of a Visitation family.

<sup>b</sup> He was curate from 1616. George Carr occurs in 1632.

of stolen goodes, which he did sometymes at the communion table—and did make and contrive scurrulous libells and epigrams. 1633. Mar. 28. Hath answered. Mr. Mathew, proctor for Mr. Williamson, desired tearme ad proband. May 23. Motion by and on behalfe of Vaux that he might have some bound ad litem prosequend. accordinge to law. Notwithstandinge, decreed that the cause should be proceeded in as it was begunne. Prorogacion of tearme. July 11. Witnesses sworne. Mr. Sissonn, proctour for Vaux. — *Joseph Cradock* of Awckland, gent.,<sup>a</sup> aged 39. About November last happened to be at the church of St. Hellene Awckland to heare divine service, upon a Sundaie the forenoone. Saw a companie of litle small bookes lyinge upon the communion table, which seemed to be alminackes, yet did not se the same or open anie of them. Was tolde by some parishioners that the bookes were alminackes, and brought by Mr. Vaux to sell to such as stooode neede thereof, and that he used to doe the like other yeares before. Hath heard that Mr. Vaux doth use castinge of figures. Knoweth that he was indited before his Majestie's justices itenerrant of this countie for the same, and found guiltie. Vaux was reprov'd much for the same, notwithstandinge, upon some conference after, he told examine that he would still continue the art of castinge of figures, and would justifie the same by scripture to be lawfull. *Joseph Cradocke*. — *William Gargrave* of the chaplerie of Sct. Hellen Awckeland, yeoman, aiged 40. Divers tymes within theis one, twoe, or three yeares hath seene almanackes upon the communion table, which were brought thither by Vaux or some for him, as himselfe confessed to examine. Vaux hath used the art of casting of figures, pretending thereby he could tell of goodes stolne, for divers yeares. Hath seene him casting of figures at the communion table. Vaux one tyme reprehended examine, and called him base rascall, and told him he rather came to see and observe him then for any devotion. Hath seene him cast figures at his owne house. Did see him take 5s. of John Garth,<sup>b</sup> then of Denton [*altered from* John Garth of Headlam], for casting a figure touching corne stolne from Garth as he pretended, and he then told Garth that the fee of 5s. was as due unto him for castyng of fygures as the same was due to anie lawier for his fee, and then said further, and alsoe at divers other tymes, that he would justifie the takeing thereof before anie magistrate in Bishopp-ricke, and that noe magistrate of them all should make him

<sup>a</sup> Apparently son of Anthony Cradock of Woodhouses, near Auckland.

<sup>b</sup> Head of the House of Garth of Headlam. Sur. iv., 28.



leave his practice therein, unless they tooke his life from him. Hath heard the late Lord Bishopp Neile, as alsoe the Lord Bishopp Howson after him, monish and require Vaux to give over the profession of casting of figures. Hath seene Vaux oftentyme on Sondaie, as alsoe on other daies, repaire to the ailehouse. Hath sometymes beene of his companie at the ailehouse drinkeinge. Vaux hath been verie contentious amongst the inhabitantes of the chapelrie, and stirred upp suites amongst them. He laboured to make dissent betwixt examine and his wife, as examine knoweth by passages from Vaux to himselfe, as alsoe by the relacon of his wife. He procured Thomas Wylde to comence a suite against examine in the consistorie court at Durham, as Wilde tolde examine, and wished Wylde not to agree with examine, and if he did that he should choise him, Vaux, for his arbitrator. He further procured a cytacion forth of the consistory, in the names of Georg Tayler and Raph Tayler, against examine, without their consent, as Raph afterwards confessed to examine, the one of them then liveinge in Ireland, as he heard, and the other at London. Vaux gave forth speeches that he would make the parish spend twenty nobles a yeare. About 7 or 8 yeares agoe Vaux did show examine a paper, which he redd unto him, in which was contained a libell, or verses which he made of Sir Georg Tonge, kt., as Vaux confessed to examine and to Thomas Wrangham, in which libell, amongst other things, was contained theis wordes:—

All deep tuned bells calls Tonge that upstart knight,<sup>a</sup>  
But there be few or none that cann sound justice right.

Vaux shewed him a writtenn booke, in which there was vearsees made against Sr. Charles Wrenn,<sup>b</sup> knight, and divers other gentlemen of the countrie. Vaux or his sonne did, by one Wais-tell, a boy, send to examine a paper, written with figuers, which examine procured to be redd unto him, in regard he did not undrstand the same. And he did therein tearme this examine to bacon, and said, he would never doe good till he were hanged, with manie other such like reproachfull tearmes. William Gargrave. — *Thomas Wrangham* of Newbegin, par. Heghington, aged 50. About Christenmas gone twelve monethes at Christenmas last, examine hath a mare stolne from him at Newbegin, whereupon he did repare unto Mr. Vaux, at his house in Sct. Helleene Awckland. Vaux did look upon his

<sup>a</sup> George Tonge, of Thickley and Denton, was knighted by James I., in April, 1617.

<sup>b</sup> Of Binchester, certified his pedigree in 1615.

bookes, and did use his arte therein to tell examine what was become thereof. After he had casten a figure, he told examine that he would gett his mare againe, for his advice wherein examine voluntarily gave him twelve pence, and tolde him if he could doe him anie good therein, he would give him mare to his owne content. About the time aforesaid, one Bryan Wall came to Mr. Vaux to have his opinion touchinge a horse course, and whoe he thought would winn the match, and Vaux gave his opinion in the presence of examine. About foureteene yeares since examine lived within the chapplerie of St. Hellene Awckland, and remembreth that he hath seene in Mr. Vaux his hand a paper which conteyned veares against Sir George Tonge, which examine conceived to be slanderous and not fittinge to be against anie magistrate or officer. Thomas Wrangham. — *William Key* of St. Hellene Awckland, yeoman, aged 40. Hath divers times seene alminackes lyinge under a little olde deske upon the communion table. Hath looked among them and did in winter last buy one of them of Mr. Vaux, which laid upon the communion table. Hath bene in his companie at the alehouse, where they did drink with other companie in civell and orderlie manner. For theise twoe yeares, whilst he hath lived within the chapplerie, Vaux hath sundrie times cited a great number of the inhabitantes to appeare at Durham. Conceiveth that divers of the said persons soe cited were formerlie discharged. The same gave offence to the inhabitantes there. Willm. Kay. — *John Wall* of West Awckland, of the chapplerie of St. Helleene Awckland, yeoman, aged 56. Hath knowne Vaux for 20 yeares. About twoe yeares agoe was a churchwarden. Heard Vaux voluntarily confesse that he did sell such almanackes to anie that stooode neede thereof. Did never see him sell anie there. Hath seene Vaux repare to alehouses upon Sundaies and other daies, and sometimes play at cardes in such houses, yet did never see him distempered or overtaken therewith. Hath knowne him cit sundrie persons to appeare at Durham, when as they did appeare they were never called. About 9 or 10 yeares since there was a libell or veares made of Mr. George Dixon and his wife. Heard Vaux confesse that the veares were made by him. — *George Dobbison* of Willington, yeoman, aged 45. About foureteene yeares since examine bought a mare at Stageshaw banck, which presentlie after did straie from him, soe as examine feared she had bene stolne. After much seekeinge, examine was advised to repare to Mr. Vaux to have his opinion therein. Upon his comeing unto him the first tim, Vaux did goe into the church with his bookes, and examine walked in the churchyard till he came



forth, and upon his comeinge unto him he wished examine to be in good hopes, for his mare was not stolne but straied, and did advice him to goe to such churches as he naimed and gett her proclaimed. Examine did goe as he did advice, but could gett noe knowledge of his mare, and soe within a small space after he repared to him againe at severall times, and Vaux tolde him as he did before that he would gett his mare againe, but examine findeing no likelyhood of trueth therein, would not rest soe satisfied, but did againe repare unto him about Mychaelmas then after. And Vaux at his house in the sight of examine tooke his bookes, as alsoe penn, inke, and paper, and he did write in the paper certaine notes and figures which this examine did not understand. And after he had done therewith, he wished examine to repare unto Robert Readshaw of Peddams oke, and he thought that examine should there finde his mare. Did repare unto Readshaw his howse and there he found his mare in the custodie of Readshaw as Mr. Vaux had tolde him. Vaux would take noe monie of him for his paines, and examine gave him a quart of wyne. + — *John Collin* of Brancpeth, aged 27. About 4 or 5 yeare since examine lived at Mr. Anthony Dale's\* at Gilfield in Richmondshier, out of which house there was a pare of bedsheetes gone. Examine did repare unto Mr. Vaux and offered him as much as the sheetes were worth if he could give him anie certaine intelligence, but he, after some discourse betwixt them, did not give examine such content as he liked of, whereupon examine did leave him, and would goe noe further therein. But soone after came againe unto Vaux and brought another with him, but then Vaux tolde him that he would not meddle at all with him, in regard he had brought a mann to wittnes against him, and soe they departed. About a yeare agoe or more John Cominge of Brancpeth had a horse and a mare which straied from him at Stockley, and the said John and examine did ride to seeke them. In ther returneing hoame when as they could not finde them, they repared unto Mr. Vaux for his advice. Found him at an alehouse in West Awckland, whereupon they did sitt downe and did drinke with him. Did acquainte him with there busines, and tolde him if he could give them certaine knowledge they would paie him well for his paines, and he told them he would doe his best to help them to the horses, whereupon they did give him 4s. and paid 8d. in drink, which they did voluntarily give him. Promissed him if he could gett them anie certaine knowledge what was become of them, they would

\* Of Staindrop and Gillfield. Pedigree in Sur., iv, 145.

give him the one horse, which they vallewed at five nobles, or the price thereof. Vaux tooke a peice of paper, pen, and inke, and writt somewhat therein, after which he tolde examine and the other mann that the horses were gone towards Stainmoore, and that they should find them that way ward. Further he knoweth not to depose. + — *John Comeinge* of Stockley, aged 30. Found Vaux at an alehouse. After a litle space he came with them to his owne house. He tolde examine that the horses were gone towards Stainmoore, but he thought it would be foure monethes before he got notice on them againe. Further knoweth not. + — *William Dixon* of Ramshawe, gent., aiged 44. Hath knoune Vaux for foureteene yeares. Is an inhabitant within the chaplerie of Hellen. Vaux was indited for casting of fygures before his Majistie's justices of assises, and was by them reproved, and required that he should not thenceforth practize the like. Vaux did noe waie dissist. Examine asked him the cause. Vaux answered that he had practized that art of casting of figures and still would do it, and take monie for it if he could gett it, and there was noe law to punish him. Vaux was in companie with Mr. George Dixon, deceased, examine's late father, Robert Thompson, clerke, Thomas Dixon, gent., and Robert Bowes, gent., and examine with others. Vaux beinge reproved by George Dixon for figure castinge, answered, that it was a lawfull art, and that he would justifie the castinge of a figure. Mr. Geo. Dixon replied, "Yow cannot justifie takeinge of monie for telleinge what is becomen of stolne goods." Vaux answered, "Quis nisi mentis inops oblatum respuit aurum?" and further said, "Here is much speakeinge against figure castinge, I will prove it by scripture to be lawfull. Did not Samuell tell Saul what was becomen of his father's asses?" It was then demaunded of him by examinat if he were like Samuell the prophet, whoe was inspired by the Spiritt of God. Mr. Vaux answered he hoped he had the same Spiritt. By reason of which vile and unseamelie wordes examine thinketh that he hath prophaned the holy and sacred scriptures. Vaux hath bene verie troublesome, and stirred up manie suites. Manie of the parishoners have repaired unto examine's father and himselfe to complaine thereof. Hath heard that he hath bene a contriver and composer of rimes and infamous libells. He did contrive and devulge scandalous veareses and rymes against examine's father, Sir. Geo. Tonge, kt., and others. William Dixon. — *Robert Wright* of West Awckland, glover, aged 48. Vaux for 12 yeares or thereabouts hath bene minister at Sct. Helleene Auckland. About 6 or 7 yeares now gone there came



straingers forth of Yorkshire unto examine, and intreated him to goe with them to Vaux, in regard that he was acquainted with him, which straingers came unto him of purpose to have his advice toucheing some goodes they had stolne from them. Vaux did goe into the churche unto the communion table, where he tooke penne, inke, and paper, and looked of his bookes, and did caste some figures upon the table, after which he tolde them his advice, and did there require 5s. for the same. The parties were not willinge to have given him soe much, whereupon he tolde them that 5s. was as due unto him for his fee therein as to anie counsellor, and the parties gave him the same. Hath seene Vaux at severall other times cast figures at the communion table uppon the like occacionn. Hath seene Vaux oftentimes repare to the alehouses, and hath bene in his companie. Never seen him distempered therewith, or known him neglect his ministry thereby. Hath seene him play at dice and cardes in civill manner. Vaux hath bene troublesome amongst his neighbours, and cited verie manie of them to appeare at Durham, and then would have compounded with them, and soe have discharged them therto. W. — *Christopher Stoddart* of West Awckland, yeoman, aged 23. About twoe yeares agoe did divers times see allminackes upon the communion table. Hath seen Vaux sell them unto some neighbours, and take monie for them. Examine haveinge occacion to use one himselfe, did goe unto the communion table and looked amongst them, whereupon he chose one forth for himselfe, and asked Mr. Vaux what he was to paie for the same. Vaux tolde him that the price was 2d., which examine paid unto him standinge beside the communion table. *Christopher Stotherrt.* — *Thomas Dixon* of the Feild houses, nere Durham, gent., aged 37. Hath knowne Vaux for 14 yeares. For 14 yeares or thereabouts Vaux hath been curat at Sct. Helleene Auckland. Was presente when his father in freindlie manner did reprove him for castinge of figures and deludeinge people as he did. *Tho. Dixon.* — 1633. Sep. 6. A matter defensive exhibited. Williamson sworne to answeare it.\* Oct. 17. Hath answeared. Mr. Mathew, proctor for the office accepted the

\* On Sep. 9, Vaux made a countermovement by commencing a suit against John and Joseph Cradock, and William Williamson, for the greater tithes of the garths and backsides (the crofts of the tofts in fact), adjoining upon the houses in the chapelry. These, before the Dissolution, had been received by the vicar choral provided by the Prebendary of St. Helen, and since, by the curates who took his place, until 1615, when Anthony Cradock purchased the prebend. Thus Vaux had not received them, and I suppose had to make up the 4l. so lost by his almanacks. It was proved that there were 800 communicants in the parish. The case was finally settled by referees in favour of Vaux. — *Hutch. Durham*, 339.

answeares, and, in the presence of the proctor on th'other, exhibiting his actes on all partes, the commissioners concluded in the cause, and assigned to give sentence simply in prox. Nov. 7. It appeared to the commissioners that the proctor for there office had prooved his articles—which misdemeanours and crymes did tend to the prophanacion of that holie table, as to the great scandall of his profession, whereby his Majestie's good subjectes was much deluded: and nothing alledged by way of defence to enervate the testimonies producted. He shall be suspended from the execucion of his mynistrie for three yeares, and be imprisoned in the gaole at Durham during the pleasure of the commissioners, and paie costes. Dec. 12. Released of his imprisonment. 1634. Apr. 29. Mr. Robert Cowper, curat there pro tempore, did move that he might have some competent portion of the stipend formerly belonging to the curat of Set. Hellene Awckland, for his serveinge the cure. The commissioners haveing considered of the petitionn, as alsoe of the povertie of Vaux, whoe had noe other meanes or livelyhood but what did arise forth of the stipend or cure, to mainetaine himselfe, his wife, and childrenn, ordered that Vaux should have 4*l*. per annum of the stipend and meanes of the cure, and should accept of the house and churchyard at 40*s*. per annum in part thereof, and the other to be paid him in money quarterlie, and that the rest of the stipend should be received by Mr. Cowper. If Vaux liked not to accept the house and churchyard at 40*s*., he should give up the same to Cooper, and receive 4*l*. in money. Aug. 8. Mr. Cooper informed the commissioners that Vaux had possessed himselfe of certaine tiethes and other ecclesiasticall dueties, which by the said order were allotted to Cowper for his stipend. Vaux to appeare before his Lordshipp at the Mannor of Bishopp Auckland the 14th of this moneth, to answere his contempt that his Lordshipp might take such course as to justice apperteneth. Sep. 18. Appeared on attachment and promised he would not give the like occacion. Dismissed. Dec. 11. Petitioned for restitution. After mature deliberacion thereof, and of the want of Vaux which he had endured since his suspension, the commissioners decreed to absolve him, usque ad quintum diem Dominicum xl<sup>ma</sup> prox. and to restore him to his cure, he demeaneing himselfe therein orderly the meane whilst, and they ordered, with his consent, that the stipend due at the ladyday next under the curat there should be equally devided betwixt him and Mr. Robert Cooper, whoe till that time had served the said cure. 1635. Mar. 19. Vaux petitioned that, whereas they were pleased to release him from his suspension untill the fift Sondaie in Lent now instant,



that they would, in there further mercie and pittie, grant him a full release thereof, soe as he maie hereafter exercise his functionn and receive his stipend. After Vaux had performed and undergone his oath in that behalfe, they consented to dismisse him finallie.

MUNGO BARNES<sup>a</sup> of Nether Witton. 1633. Mar. 8. Brought in by attachment upon the informacion of Andrew Hall, clerke, curate of Nether Witton, that he called Hall "base lousie rogue," and did pull him by the throate and strick him on the breast. Confessed and submitted. He shall publicquellie and solemnlie acknowledge the said offence upon Sondaie 14 Aprill. In regard of his laieing violent handes upon Hall, he shall be denounced excommunicate in the chappell of Nether Witton. Upon his petition, a commission is granted unto Mr. Mark Wallace, curat of Hartborne, to absolve him from the excommunicacion after the pennance. Apr. 30. Certified and dismissed.

ROBERT AYTON of West Herringtonn, gent.<sup>b</sup> For suspicion of adulterie. 1633. Apr. 30. To answeare before next court, as alsoe to answeare another cause latelie depending in the ordinarie iurisdiction, and by Mr. Chanclor referred to the determination of the commissioners. May 23. Answered for suspicion of adulterie, and likewise for contempt of his ordinarie. Desired counsell, and the commissioners thereupon constituted Mr. Mathew his proctor. July 11. For contempt, tearme probatorie prorogued. For suspicion, the register booke produced by Mr. Sisson, proctour for the office, in parte probacionis, and witnesses sworne. — *John Shippardsonn*<sup>c</sup> of Bishopp War-mouth, yeoman, aiged 55. Hath knowne Ayton from his infancie. About 4 or 5 yeares now gone there was a common fame that Eliz. Page was with childe begotten by him since his marriage, and that he was called before the Chancclour to answeare the same. About Christanmas last Mr. Christofof Hudson, late curate of Houghtonn in the Springe, told examine that he received a citacion against Aytonn for a fame or suspicion of a new matter of incontinenecie. John Shipp'son. —

<sup>a</sup> A person of this unusual name was a slanderer and brawler with his neighbours at Darlington in 1580, when he almost killed John Appelby, and held the stocks at defiance, setting upon the constables with a drawn sword.

<sup>b</sup> See pedigree in Surtees i., 186.

<sup>c</sup> Head of the house, and brother of Edward Shippardson, the ancestor of Shippardson of Pittington Hall Garth.

*George Gray* of Lumley, par. Houghton in the Spring,\* gent., aiged 52. Hath knownen Ayton for 13 yeares. Heard that one Page, the daughter of Thomas Page of Ufferton, did beare [&c.] Beleeveeth that the articulate Elizabeth Page is the same woeman. Thinketh Ayton was then married. About Martynmas, 1632, John Lax tolde him that Ayton had begotten his unckle William Lax his daughter with child, and that his cosin, meaning the said Alice Lax, had not gotten all her fyne cloathes and laced aprons for nothing. The fame thereof was much braited abroad. Lax told examine that he was told by Robert Trewhitt, and that Trewhitt told Lax that he had heard from one Catharine Gray. George Grey. — *Robert Stevenson* of Newbotle, yeoman, aiged 50. Tho. Page latelie lived within the parish of Houghton. About Candlemas heard that there came a citacion against Aytonn for suspicion of incontinence with Alice Lax. Mr. Hudsonn acquainted examine, who was then a churchwarden, and asked him what he had heard or knew thereof. Untill that time he heard not anie thing thereof, as he then certified Mr. Hudsonn. Robt: Steuenson. — *Thomas Cooke* th'elder of Low Marly, par. Houghtonn, yeoman, aiged fourescore. Aboute 5 yeares agoe Elizabeth Page did beare a childe, which was brought upp by examine's wife since it was a moneth or five weekes olde. Robert Ayton's wife did send the childe as aforesaid to be nursed, for which she hath paied everie quarter to examine and his wife 12*d.* a weeke. Beleeveeth that Alice Lax was wronged, in regard she proved not with childe as was reported.+ — *William Chilton* of Houghtonn, yeoman, aiged 35. Elizabeth Page lived in the house of Aytonn as a servant, and whilest she lived there she was begott with child. His father and Ayton's were brothers by there mother.+ — *Nycolas Todd* of Eppleton, aiged 48. Mr. Hudsonn did, on a Sondaie in the morneinge before praiers, acquainte examine, whoe was then a churchwarden, that Aytonn and Lax were called to Durham, and wished examine to informe himselfe better thereof, in regard it concerned his place. Thinketh it proved not soe. Nicholas Todd. — *George Taylor* of Midle Herringeton, aiged 35. George Tailer. — *William Clerke* of Lumley, par. Chester in the Streete, aiged 22. John Lax, whoe liveth at Lumley, happened to meett examine at house of Mr. George Graie. Graie tolde examine that Lax had tolde him that his cozin confessed unto him that she was with childe unto Aytonn. Robert Ayton is of affinitie to him by the

\* He was of Great Lumley, par. Chester-le-Street, and settled there in 1616, being engaged in collieries. He was afterwards of Southwick, and was ancestor of Zachary Grey, the editor of *Hudibras*.



marriage of his unckle's daughter. W. — Aug. 15. For contempt, nil act. [no more of this charge.] Sep. 26. A matter defensive exhibitted. To prove same. Oct. 17. Refused all benefitt of prooffe. Nov. 7. Respitted, for it did not appeare that Aytonn was married at the time of the supposed adulterie with Page.<sup>a</sup> If it could [not]<sup>b</sup> appeare that it was committed since his intermarriage, he shall be dismissed unto the ordinarie jurisdiction, paieinge the fees of court expended. Nov. 28. It did not so appeare. Finally dismissed to the ordinary jurisdiction. Costs taxed against him to 7*l*.

THOMAS SWANNE of par. Nether Witton. For beatinge a minister. 1633. Apr. 30. Brought in and sworne to answere. July 11. 50*l*. forfeited and certified for nonappearance. Sep. 5. Messinger attempted to serve attachment, but he resisted. Oct. 7. Messinger had beene at his house. 20*l*. forfeited and certified. Nov. 7. The like. Nov. 28. Messinger had sought Swanne at his dwellinge house. Intimacion published in the chappell of Nether Witton. 40*l*. forfeited and certified. 1634. Jan. 14. The like. Feb. 11. 50*l*. forfeited and certified. Apr. 29. Attached, and remained in the goale untill he should enter good bond to performe the order of court.

MARIE DANIELL spinster. For adulterie. 1633. May 23. Commit to the goale untill she should enter good bond to answere and not come in the companie of John Eden, esquire,<sup>c</sup> with whom she was detected, but in church and markt, or in other publique assemblee. May 25. Upon petition to his Lordshipp and twoe commissioners, enlarged and confined to the messinger's house. July 11. Articles exhibited. Sworne to answere. Bond to be in a thousand markes, or otherwise to remaine in goale. Aug. 12. Hath answered. The followinge wittnesses sworne. — *Richard Heaviside* of Morly, of the chaplery of Sct. Hellene Awckland, yeoman, aiged 57. Aboute 3 or 4 yeares now gone, was a wittness to prove articles exhibited before his Majestie's Commissioners at Yorke against Eden and Daniell. About a yeare agoe hath seene her sometimes goeing to and from Mr. Edenn's house, but whether he was in or not he cannot depose, neyther doth he beleieve there was such suspicioun as is alledged, for it would have comen to his heareinge, which if it had done whilst he was churchwardenn in

<sup>a</sup> He was married to Elizabeth Smyth in 1623. *Qu.* if a second wife is not alluded to in this case.

<sup>b</sup> So, in the recital of next court.

<sup>c</sup> Of West Awckland, Windlestone and Bellasis, and head of his house.

1631, he would have presented the same accordinge to his oath. Mr. Edenn and his wife<sup>a</sup> doe not live together. Doth not beleeeve that Daniell is the cause of it. Beleeveeth that by the lawes of God and this kingdome they might live together as man and wife ought to do.+ — *John Wall* of Home Milne, nere West Awkland, milner, aiged 56. Aboute a yeare agoe did see Edenn and Daniell in the towne gate of West Awkland together. There was divers others in companie with them.+ — *Henrie Downes* of the towne of St. Hellene Awkland, yeoman, aiged 36. Never heard that Eden and Daniell lived together as is articulate. Edenn and his wife doe oftenn live asunder. H.<sup>b</sup> — Aug. 15. Compulsaries against other witnesses decreed. Sep. 5. Gargrave and Key sworne and compulsaries decreed.—Sep. 21. *William Gargrave* of Sct. Helleene Awkland, yeoman, aiged 40. Hath seene in theis twee yeares last, at severall times, Marie Daniell in the house of Edenn at West Awkland. Hath soe seene her makeing readye meate for Mr. Edenn or his familie. At such times Edenn was at home. Hath seene her come into the roome where he was with others with him. There hath beene some suspicion, [&c.,] but how the same arose cannot depose, save only by there accompaing together. Hath heard Edenn his wife saie that her husband desired her to have lived with him. But she tolde examine that she then answered that she would not soe doe. The cause examine knoweth not. Willm. Gargraue. — *William Key* of St. Hellin Awkland, yeoman, aiged 40. In theise twelvemonth last past did see Edenn and Daniell together at the stable dore at his house. Examine and one of Mr. Edenn's sonnes and a servant of Mr. Eden were in the stables. Never saw them together otherwise. Willm. Kay. — Sep. 26. Witnesses sworne. Compulsaries against moe. — *Margaret Atchison*, wife of William Atchison, of Sct. Hellen Awkland, [a witness below] aiged threescore. Borne within halfe a myle of Mary Daniell. Hath heard that Marie hath within one or twee yeares last, repaired unto Edenn's house. Further cannot depose.+ — *Edward Bond* of Bowton Garth, of the chaplerie of Sct. Hellene Awkland, aiged 28. Aboute Martinmas last lived with Edenn as servant. Daniell lived with him as mistress of the house, and had command over his childrenn and servantes, and did usuallie at bed time locke the parlour doore. There was noe bed in the parlour, nor at all times anie other

<sup>a</sup> Margaret, daughter of Anthony Welbury of Castle Eden.

<sup>b</sup> A most miserable assemblage of witnesses for the office to begin with to prove the case. They should have been called by Mary Daniell.



bed in Mr. Eden's chamber, but that which he laid himselfe, notwithstanding which at some certaine times there was a fether bed cast downe at Mr. Eden's bedside. Sometimes he [examinee] came into the hall in the morneinge when Marie Daniell opened the parlour doore and called for such thinges as were necessarie. Thinketh that by the allurement and provocation of Daniell, the affection of Edenn is much alienated from his wife and children, and he had rather live with the said Marie then with his owne wife. A — *William Tuart* of West Awckland, yeoman, aiged 44. Hath seen Daniell goeing upp and downe the house. Eden was at such tymes in his owne house, as he verily thinketh. + — *John Vaux* of Sct. Hellen Awckland, clerke, aiged 58. Called to wittness in the cause at Yorke. In the passion weeke did see Daniell in the house and companie of Eden, where other neighbours were present. At divers tymes within this twoe yeares, hath soe seene her when none but Eden's owne famylie have beene present. There hath beene a great fame and report, [&c.,] Is perswaded in his conscience that the report was true. Eden doth live apart from his wife. Thinketh that his familiarity with Daniell hath occasioned the same. John Vaux. . . — *William Atchison* of Sct. Hellen Awckland, yeoman, aiged 58. Hath seene the said Mary in Eden's house, being sometymes sent for to provide Eden his victualls when he was not well. + — *Lampton Downes*\* of Eavenwood, gent., aiged 27. On Easter day last the forenoone, examinee and his wife, in there returne from the chappell of Sct. Hellen Awckland, came unto Eden's house in West Awckland to see him, he being father in law to examinee, and upon his comeing into the hall he did see Mary Daniell locke the parlour doore, and staid within her selfe. Examinee conceived she did the same to holde examinee from seeing his father in law. Is perswaded that Eden was in the parlour, or in his chamber within the parlour, for he asked a litle boy of the said Marye's thereof, whoe tolde examinee that his father (meaneing Eden) was a sleepe in his chamber. Hath at divers times, within the three yeares last, seene her stickling about the house, and Eden was at home himselfe. Since they were called to Yorke hath credibly heard that Mary Daniell did beare a base childe at a place neere Newsham

\* 1633. Sept. 5. LAMPTON DOWNES for contempt in not undergoinge examinacion. Could not be found. Attachment decreed.

ANNE his wife. Appeared not. Attachment.

Mr. Downes was head of his house, and son of George Downes by Isabella, dau. of Robert Lambton of Great Stainton. He married "Anne Eden of Belsis," at Billingham, 23 Dec., 1626. She could not sign her name. See next page.

in Yorkshire, begotten by Eden. Eden and his wife doe not live together, or very seldome. Is perswaded that his famyliarity with Mary is the great cause thereof. She hath withdrawnen his affection from some of his children, for examine and his wife, after there marriage, which was about six yeares now gone, did live in house with there said father, and had there dyett with him for about a yeare's space, in all which tyme Mary had the governeing of the house. Examine, upon some cause of wrong done unto him by her, reprooved her, and told her she did both him and his wife wrong, and did draw there father which way she liked. She complained unto Eden thereof, whereupon he tolde examine that he should never have one groate that was his, and that he would make his (meaneing this examine's) barnes bastardes, and was ready to have putt examine and his wife foorth a doores, which soone after he did upon the occacion aforesaid, as he thinketh. Is for manie reasons induced to be perswaded that Eden doth more desire the companie of Mary then of his owne wife, for he hath knowen him and Daniell together in West Awckland towne and other places, when as his wife was at his house in West Awckland. Lambton Downes. — *Anne*, the wife of Lambton Downes of Eavenwood, gent., aiged 32. Examine and her husband did goe to see there father, and the parlour doore was shutt where he used to be, and her husband comeing a litle before her, tolde examine that he saw Daniell shutt it, and a litle boy of Maries tolde examine and her husband [&c.] It was suspected that Mary was with childe when she came to the goale. The said Mary hath beene some meanes to keepe backe her porcion at her father's hand which should long since have beene paied. Thinketh that Marye's mother and hers was somewhat of kindred. A. — *Robert Stoddart* of West Awckland, yeoman, aiged 40.+ — Oct. 17. *Jane Blackborne*<sup>a</sup> of Towelsby, co. York, spinster, aiged 20, sworne. At Sct. Hellenemas gone twelve monethes at Sct. Hellenemas last, she came to Eden's house as a servant unto Mrs. Awderson, Mr. Eden's daughter, where she continewed untill Martimas after. At three or foure times hath sene her in naked bed [&c.], and was about him in his chamber to gett him upp and make his readie.+ — Nov. 7. *William Edenn*<sup>b</sup> of Whitton, co. Dur., gent., aiged 54, produced on attachment to testify. Hath heard it reported by

<sup>a</sup> Sep. 5. JANE BLACKBORNE, for contempt, not being examined. Attachment. GEORGE AWDERSON and FARDINANDA his wife. The like.

<sup>b</sup> Brother to the squire. Had an annuity of 5*l.* left him by his father.



Mrs. Edenn,<sup>a</sup> wife to Mr. Robert Edenn, that Daniell was suspected to be with childe when she came to Durham, though he thinketh it not to be true, or that she was delivered of anie childe since they were called to Yorke. There was disagreement betwixt Edenn and his wife before Daniell came to his house. Is brother to Edenn. Willm. Eden. — Nov. 28. Mary Daniell submitted. She shall publicquely acknowledge, and in penitent manner confess her offence, once in the cathedrall church of Durham, another time in St. Andrew Awckland church, the third time at Saint Hellene Awckland chappell, and the fourth time in Billingham church, on Sondaies, in lining apparrell, bare head and foot. She shall pay unto his Majestie 20*l.* fine, and was condemned in costes. She is to acknowledge alsoe, in Billingham church, the wronge she hath done unto John Edenn's wife, and aske her forgiveness, and to certifie performance, and in the meane time enter bond for the same. 1634. Jan. 14. Certified. Costs taxed to 8*l.*

JAMES BELLASSIS of Owton.<sup>b</sup> Clandestine marriage. 1633. July 11. Sworne to answere articles which alledged that, if he were married, yet was not such marriage made and solemnized betwixt him and Isabell Chaytor, his pretended wife, in such manner as is prescribed by the booke of common praier, and the canons and constitucions of the Church of England, neyther celebrated by a lawfull mynister or priest ordained according to the rites and ceremonies used in the Church of England. Aug. 15. Answared that the marriage was solemnized (though the same did not otherwise appeare), yet confessed the same was celebrated by a strainger, whoe he thinketh had noe lawfull ordinacion according to the Church of England, and without the houres lymitted by law, and soe contrarie to the canons and ecclesiastical constitucions of the Church of England, and the forme for marriage therein prescribed. Sep. 26. Submitted. To paie to his Majestie as a fyne 200*l.*, and, by waie of submission, acknowledg his offence in court before the commissioners.

<sup>a</sup> Anne, dau. and coh. of Matthew Bee of Ninebanks, in Northumberland, married Robert, the son and heir of the squire of West Auckland.

<sup>b</sup> Uncle of Thomas Lord Fauconberge. Isabella Chaytor, daughter of Thomas Chaytor, Esq., of Butterby, was his second wife, and survived him. He died s. p. in 1640. On a well-carved monument in Stranton church he was represented throwing off a winding-sheet, and rising from the tomb. The inheritors of his estate allowed it to fall into decay, and a few years ago the figure was removed, and the inscription inserted in the adjoining wall. The deceased left 100 marks towards the tomb.

Nov. 28. John Dennice,<sup>a</sup> servant to the said Mr. Bellasis, made oath that his maister, in comeinge to the towne, had gott a fall, by meanes whereof he was not able to travile. 1634. Jan. 14. Acknowledged the submission. Dismissed, salvo semper fine regio, which they did not meddle withall. Costs taxed to 4*l.* 10*s.*

GEORGE GUYE. Clandestine marriage. 1633. July 11. Sworne. Nov. 7. It appeared by letters testimoniall that he had undergone condigne punishment for his offence, as alsoe by the relacionn of Mr. Raph Hutton, late official to Mr. Archdeacon of Durham. Dismissed upon paiement of costes. Nov. 28. Taxed to 4*l.* 10*s.* — ALICE, his wife. Recusancie. 1633. Sep. 5. Attachment. 1634. Mar. 4. With childe. Cause to stand statu quo.

WILLIAM EMMERSON. Clandestine marriage. 1633. July 11. With his father, whoe lay verie sick, soe as he durst not leave him in regard of his weaknes. Nov. 7. Had confessed that he was married in a barne of his owne at Barmeton par. Haughtonn, and that the marriage was made by a stranger, with whom he was not acquainted, neyther did he know whether he had anie lawfull ordinacionn or not. To acknowledge his offence publicquely, in his penitencial habit, in the parish church at Haughtonn, or att the markett crosse of Durham, on some Sundaie or markett daie, as alsoe paie 100*l.* fine to his Majestie. Nov. 28. Appeared not, nor certified performance. Bond of 200*l.* in that behalf forfeited, and to be certified. 1634. Feb. 11. 20*l.* penaltie forfeited, and to be certified. Mar. 4. Committed into custodie of the messenger untill he should enter good bond for performance. Mar. 9. By especiall reference from his lordshipp, he entered bond for appearance, and was released. Apr. 1. Thomas Emmersonn, his brother, made oath that he was daingerouslie sicke, and soe it appeared by the certificate of Mr. John Bathirst, his phisicionn. Apr. 20. Could not travell. Aug. 8. Had recovered. Dec. 11. Dismissed quoad causam, yet should pay costes. 1635. Jan. 22. Costs taxed at 9*l.* Feb. 19. The messenger laie sicke. June 25. Paied costs. Bonds cancelled, and he finallie dismissed.

<sup>a</sup> James Bellasis was a benefactor to the parish of Darlington, by the devise of "Poor Howdens," for the encouragement of the linen or woollen trade. John Dennis, after his master's death, resided at Cockerton, in that parish, and, in 1641, was presented by Lord Fauconberge with a copy of Yorke's Union of Honour which he illuminated *suo more*, and used for draughts of the most approved modes of decorating the royal arms, the Commandments, &c. At the Restoration he set up the King's coat, and in 1677 painted the Lord's Prayer and Creed for Darlington church. He had a son of the same name.



GEORGE FORREST of Bingfield, clerk. Makeinge a clandestine marriage. 1633. July 11. Appeared on letters missive, by whose answeare it did not [*sic*] appeare that he did solemnize the said marriage ignorantly, and at the intreatety of Mr. Wooddell, vicar of Chollerton, soe as they could not finde him to be in dolo. Discharged. Letters missive against Wooddell.

CHRISTOPHER WALMSLEY of Rennyngton. Publishing scandalous woordes. 1633. July 11. Attachment. Sep. 5. Charged with publishing divers disgracefull and unreverent wordes against the clergy of England in generall, and in particular he had addressed his speach against Robert Stephenson,<sup>a</sup> minister and preacher of God's Word then present, and said unto him, "Yow are all stoned preistes," and shewed a paire of beades and crucifix in the openn streets, in unbecomeinge manner.— Nov. 7. *Robert Stephenson* of Alnewicke, clerke, aiged 44. About 3 Aprill last, Walmesley being rideing in the open streetes at Alnwick, where there was a great concourse of people, came unto this examine, and spoke unto him as followeth: "How now, stoned preist?" Examine asked him why he spoke soe unreverently, and Walmesley tolde examine that he was a Roman Catholike, and cared not for our religion, meaneing the religion which examine professed. And then, in braveinge manner, he tooke forth a paire of beades which were linked together on a stringe, and waved them aboute his head, saieinge, "I will use them in dispiht of all your stoned preistes and your religion," and after that kissed the beades. *Robert Stephenson*. — 1634. Apr. 1. Walmesley's proctour brought in to prove his matter of defence, *William Hunter* and *George Alder*.<sup>b</sup> — *William Hunter* of Alnewick, gent., aiged 38. Refereth unto the proceedeinges and deposicion in the cause, and further cannot depose save that Mr. Stephenson is a minister of Gode's word, and understandeth what belongeth to an oath, and therefore examine is induced to beleve that he will not depose an untruth. Beleeveith Stephenson and Walmesley were acquainted and used<sup>c</sup> some times together and have soe done for 7 or 8 yeares last past. *William Hunter*. — Apr. 29. One wittnes had been examined. Tearme probatorie lapsed. Dec. 11. Appeared by force of an attachment, and, being in court, demeaned himself verie disorderly and used manie rash and unadvised woordes. Whereupon he was comitted to the goale for eight daies, omit-

<sup>a</sup> One of the sufferers by the violence of Robert Brandling of Alnwick Abbey in a subsequent case.

<sup>b</sup> Both witnesses against Brandling.

<sup>c</sup> Use, *v. n.* To frequent; to inhabit.—*Johnson's No. 3.* To haunt.—*Halliwel.*

ting the principall cause. 1635. Mar. 19. To acknowledge his offence publiquelie at the markett crosse in Alnewick, in his penitentiall habit, and before the commissioners at their next court. 1636. Mar. 9. Comitted till he enter bond for performance. [Occurs at large afterwards; at least he would not appear.] 1637. Mar. 7. Submission performed. Dismissed gratis ob paupertatem.

**BARTRAM RICHARDSON.** Contempt of ordinarie jurisdiction. 1633. July 11. Remitted backe on his petition. Entered good bond to answer before Mr. Chancour. It appeared that he was a Popeish recusant, or otherwise popeishlie affected, therefore the commissioners enjoyned him to confer with Mr. Jo. Hutton, preacher of Godes word, that he might be better informed in matters of religion, and to certifie of his conference under the hand of Mr. Hutton. Aug. 15. Certificate exhibited. Was at the church at Warden, and behaved verie reverently dureing Divine service and sermon, and faithfully promised to conforme to the order of the Church of England, and to receive the holie communion. To take the oath and make a submission and declaracion of his conformity according to the statute citra prox. Sep. 5. Wm. Hudspeth of the Cawsey Head, swore that Richardson was sike, and so infirme that he was unable to tra-vile to Durham without danger of his life. Respitted in prox.

**GUYLES TODD.** Abuseinge Mr. Andrew Hall. 1633. July 11. Could not be found. Sep. 5. Confessed that he did call Mr. Hall base fellow, and did assist Mongoe Barnes,\* whoe attempted to have beatenn him, though he himself did not medle with him, and humbly submitted. To confesse once in the church or chappell of Netherwitton, in his usual apperell. Sep. 26. Certified and dismissed.

**SYMOND WILKINSON** of the Langlee. For adulterie and alimonie. 1633. July 11. Attachment. Nov. 7. Mr. Cuthbert Ridley, parsonn of Symondburne, certified that he had givenn satisfaccioun unto his wife for alimonie. Dismissed uponn payment of costes. 1635. June 25. Attachment for costes. *Note.* Mort'.

**THOMAS SIMPSON** of the Law [near Ebchester]. Contempt of the ordinarie jurisdiction. 1633. July 11. Attachment. Aug. 15. George Sympson, his father, informed the Commissioners

\* See above, p. 42.



that his sonne was not at home. Appearance respitted soe as the said George entered bond for it. Sep. 26. His father swore that he laie sicke. Oct. 17, Takeinge into consideracion the delatory excuses of the father, and the manifest contempt of Thomas, the fine of 20*l.*, formerlie imposed, to be forfeited and certified. Nov. 7. The messenger swore he could not attach or give him warneinge of the intimacion. The commissioners conceived, by the said affidavit and by a certificate of the minister of that place, that he had notice. 20*l.* forfeited and certified. Nov. 28. Thomas Parkin, deputie messenger, did attach Thomas Simpsonn, notwithstanding which George Simpsonn, his father, did, in verie violent manner, assalt him, and did beat him with a goade, by meanes whereof Thomas was rescued. 40*l.* forfeited and to be certified. Attachments against him and George.<sup>a</sup> 1634. Jan. 14. Fined 40*l.* and to be certified, for nonappearance. Feb. 11. 50*l.* forfeited. Sep. 18. Remitted. Entered bond to stand to the order of the ordinary jurisdiction. Oct. 23. Attachment for the same offence.<sup>b</sup> 1635. Feb. 19. The messenger lay sicke and could not exequite a new attachment. Mar. 19. Another attachment could not be exequuted in regard of the death of the messenger.<sup>c</sup> Apr. 23. Could not be found. May 28. 10*l.* forfeited upon intimacion, published in his parish church, and to be certified. June 25. Remitted back to Mr. Chancelour, soe as he entered bond to performe his censure and paid costs. Sep. 23. Monicion for payment.

MARGERIE STOBBS, widdow. Scandalous woordes. 1633. July 11. Attachment. Aug. 15. 20*l.* forfeiture, on intimacion, to be certified. *Note.* This fyne was after remitted. Sep. 26. Thomas Stobbes, her sonne, made oath that she was soe infirme she was not able to come. — Nov. 7. *Elizabeth Readshawe*, wife of John Readshawe, par. Mugleswick, aiged 21. Was borne nere unto Stobbes. Aboute five yeares gone in Lent last, examine lived at a place in Stanhopp parish, which her father farmed of the said Margerie Stobbes, and the said Margerie casuallie comeinge upp to examine's father's house, did there staie all night. The next daie, beinge Sondaie, examine was prepareinge to goe and saie the chatichisme that afternoone, and thereupon Stobbes tolde examine that she might tell them a taile, whoe examined her, of Robin Hoode, worth foure and twentie of that, meaneinge of the chatichisme. At some other

<sup>a</sup> See the proceedings against him, 1 Ap. 1634.

<sup>b</sup> From the continuity of the entries, I conclude that this was the same Simpson.

<sup>c</sup> Nicholas Raine was bur. 7 March.

times hath heard Stobbes saie that the Protestantes were lost people, and the said Margerie did then likewise express herselfe in theis wordes :—that she had hearde it said they did God good service whoe did kill one of them. All which wordes were spoken in examinate's hearinge, as alsoe in her brother John Johnson's, as she thinketh. R. — *John Johnson* of Rukeuppside, par. Stanhopp, yeoman, aiged 28. His sister beinge readie to goe to the church to saie the chatichisme amonst other younge people, Stobbes did bid her staie at home, saieinge, "What should thou doe goeing to the church this ill daie, and if the minister finde anie falt with the, thou may saie thou wilt tell him a tale of Robin Hoode worth foure and twenty of it," meaninge the catichisme. Stobbes then further said, as alsoe at some other times, that the Protestantes were but lost people, and it was well gott which was gottenn from them, and then further said that she hath heard some saie, that they did God good service that killed a Protestant; whereunto one Raph Johnson replied, "Whie say yow soe?" and she answered, "Because yow are not Godes freindes." Theis wordes were spokenn in his owne heareinge, as alsoe in the heareinge of his father, Raph Johnsonn, and sister. I. I. — 1634. May 14. Had submitted herselfe to conference. Sep. 18. Was willing to conforme, which she testified by repayreing to the chappell that day with his lordshipp to heare praiers. Cause respitted.

ROBERT BRANDLING of Alnewicke Abbey, Esq.\* Adultery and other misdemeanors. 1633. Aug. 9. Standeth committed to the goale for nott entering bond to answere certaine informacions. Required to take his corporall oath according to law to answere articles of informacion. Refused untill he should know what the articles were. — Articles [as recited in the sentence]. He, a married man, committed adulterie since 27 March, 1625 (before which time he alledged in his answeres that King Charles, by letters patentes beareinge daite the daie aforesaid, did pardonn unto him all crimes, offences, and misde-

\* The personal history of the early Brandlings is highly amusing, and by no means creditable. Sir Robert Brandling, the great uncle of the defendant, had numerous base issue, and left a very imperfect will, concerning which, see in Eccl. Proc. Surt. Soc., i., 121. Sir Robert's younger brother Henry set up a forged deed purporting to be Sir Robert's, which Mr. Surtees confuses with the will. This, after long litigation, was set aside by the present defendant. Defendant's father, William, occurs in Eccl. Proc., i., 72, 73, as father of an illegitimate child, and as engaged in a drunken quarrel in a churchyard. Defendant's son Richard occurs in Surtees, ii., 93, as follower of his father by disturbing the Earl of Northumberland's officers in their seats in Alnwick church, and setting the Consistory Court at defiance. The defendant was now about 58 years of age, and his wife was Mary, dau. of Thomas Hilton, Esq., of Hilton Castle. The case is abstracted at some length.



meanours of that nature, before that time committed). He was likewise charged with shutting and lockinge upp of the chancell doores at Alnewick, to prevent the ecclesiasticall officers to keepe there courts there, which they ought to doe both by law and custome, and his disgracefull and contemptible speeches unto them, and some other times his leaveinge openn the chancell doores, and causeinge his servantes to lock them upp whilst the officers and manie others of the clergie and other were in the court: and with laieinge violent handes of some of the clergie, as namelie, Mr. Thomas Vicars and Mr. Robert Stevenson, and giveinge them and others of the clergie verie disgracefull and reproachfull wordes; and that he likewise caused the chancell doores of Alnewick to be locked upp uponn some Sondaies when as the communion was to be administered, soe as the minister and others were forced to creepe thurrow and climbe over the chancell to come unto the communion table: and for speakinge divers and sundrie disgracefull and unreverent woordes both against the authoritie, honor, and dignitie of his Majestie's most eminent and honorable commission for causes ecclesiasticall, and against the reverend bishopps of this realme. — Aug. 15. Onerated (submitting himself to law) with his corporall oath of answearing the articles, and monished to exhibitt the same *citra prox.* Sep. 5. Exhibited a paper which he acknowledged for his answaere, yett had not subscribed the same as in such case is usuall. Thrice monished to sett his hand thereunto, but absolutely denied, sayinge he conceived the same to be unreasonable. Therefore fined 20*l.*, the same decreed to be certified into his Majestie's exchequer. Sep. 26. Thrice called, but appeared not. John Pacocke, keeper of his Majestie's goale at Durham, unto whose custodie he was comitt, alledged that he was escaped forth of the goale. The commissioners, upon openinge and examinacion of the cause by the advocate and proctor for there office, conceived the escape to be an unsufferable affront and contempt, both of them, and his Highnes' authoritie to them committed. Fined 500*l.*, to be certified into his Majestie's exchequer. Decreed intimacion sub consimili poena for his appearance. Oct. 7. Nicholas Raine, gent., messinger, was at the dwelling house of Brandling, and published the tenor thereof to his servaunts. The same was alsoe published in Alnewicke church. Brandling thrice called. Appeared not. The 500*l.* in penam contumaciae forfeited and to be certified. Decreed another intimacion under the like paine. Nov. 7. The intimacion published as before. Appears not. The 500*l.* in penam contumaciae forfeited and certified. Another intimacion under the same paine, and to the same effect, as alsoe to heare and se

himself excommunicate for his manifest contempt of law in prox. Nov. 28. Raine had bene at the dwelling house and delivered him a copie of the intimacion, and caused the same to be published in his parish church, as appeared by the certificate indorsed of the backe thereof. Thrice publicly preconized. Pronounced contumacious. Decreed excommunicate. The 500*l*. forfeited and certified. New intimacion under the same paine in prox. 1634. Jan. 14. Thomas Parkin, deputie messinger, had bene at Alnewick Abbey, where Mr. Brandling dwelleth, and acquainted his servants and others with the contents of the intimacion, and that he also caused the same to be published in the parish church of Alnewick, which appeared by the certificate of the ministers indorsed on the back thereof. Appeared not. The 500*l*. forfeited and certified. Monicion against him to heare sentence diffinitive at next court. Feb. 11. Monition duly published in Alnewicke parish church. Appeared not. The commissioners pronounced him contumacious, yet reserved his contumacie and there final decree in prox. Mar. 4. Haveinge deliberately advised with there counsell, decreed to assign the next daie ad proband. and soe to proceede to the examinacon of wittnesses to prove the articles. Decreed compulsaries contra testes. Intimacion against Brandlinge sub poena 500*l*. for his appearance the same daie, to see the produccion of the witnesses, and make a perfect answeare to the articles. Apr. 1. Appeared not. Pronounced contumacious. 500*l*. forfeited. Cuthbert Clerke (not examined) and the following wittnesses were sworne, and the tearme probatorie prorogued in prox. — *William Hunter* of Alnewick, gent., aiged 38. Hath knowne Brandlinge for 10 or 12 yeares. Credible heard it reported in Alnewick that he comitted adulterie with Jane Shaw, and begott of her bodie one base childe, which child is aboute 10 yeares olde. Heard it reported in Alnewick that he alsoe comitted adulterie with Jane Kirsopp, and that she did beare a childe unto him 6 or 7 yeares since. Heard she was in Yorke-shire. Mr. Stevenson hath bene curate at Alnewicke for 17 or 18 yeares,\* and hath preached there dureinge that time, which examine thinketh he is licensed to doe. Uponn divers Sondaies and holydaies hath heard Mr. Brandlinge saie that he would sue the minister for the marriages, christenings, and buryings in that parish, and alsoe for the churchyard, and if he recovered them of him, he said, if he could gett nothinge for his charges, he would laie him in the goale and have his boones. At Easter last, or Easter gone a twelvemonth, Brandlinge re-

\* Became curate in 1616, and was so still in 1638.



ceived the communion at the handes of one Sir Nycholas [Roathwell], vicar of Feltonn, whoe he sent for of purpose to administer the same unto him, and some of his servantes. Neyther since nor before that time hath seene him receive the communion at Alnewick church. Hath heard he hath received in other places. William Hunter. — *Thomas Robsonn* of par. Feltonn, yeoman, aiged 32. Hath knowne Brandlinge for 4 yeares. On a Sondaie the forenoone aboute foure yeares agoe, Brandling came into Shilbotle church, and immediately after praier were done fell into some anger and rage in and against Mr. Vicars and called him "scabt scounderell, priest, or fellow," with many other threatening and disgracefull speaches. In harvest tyme about three yeares gone in harvest last, Mr. Brandling came into the corne feildes at Shilbotle with one William Brandling, Georg Bowmaker, and a Scottish man called William. And when as Mr. Vicars endeavoured to have hindred them to have taken away his tieth beare or barley, Mr. Brandling and Bowmaker lay handes upon him and pulled him from his horse to the ground. Bowmaker held him and Mr. Brandling loosed one of his owne garterins<sup>b</sup> and attempted to have bounde him, but was prevented in regard some company came to give assistance, and soe Mr. Vicars escaped. All which was done in the presence of examine, Nicholas Horne, Oswald Chambers, Robert Embleton, and other men with cartes, whoe came with Brandling to carry away the tyeth. — *Raph Gibsonn* of Shilbotle, yeoman, aiged 54. Hath knowne Brandling for 7 yeares. Brandlinge came to Shilbotle church aboute 3 yeares now gone, and after praier was done, gave direccions unto the neighbours there he would come and tieth there beare, and comaunded them they should not tieth it before he came, whereunto Mr. Vicars replied, [&c.] On a sondaie aboute a yeare agoe, did see John Clerk and Raph Forster in the churchyard at Shilbotle, after praier were done. Did see Forster in the churchyard come unto Vicars and take holde of him, and held him in his armes and would not suffer him to goe awaie. Clerke bid Forster looke to his charge. They gave him verie ill wordes and used him uncivallie. All which was done in the presence of manie of the parishoners whoe were goeing to the church. — *Michael Hunter* of Alnewicke, yeoman, aiged 35. Hath knowne Brandlinge 12 yeares. Aboute 3 yeares agoe or more, the doores leading into the chancell at Alnewick church were

\* Vicar from 1610.

<sup>b</sup> In the recital of proofs in the sentence, the word "gartringes" is contemporaneously altered to "garters."

fast locked upp on severall court daies, when as the officers came to kepe there courtes, by the comaund of Mr. Brandlinge,<sup>a</sup> Examine, being a churchwarden the yeare, was, amongst others, required by Mr. Robsonn, the then official for Northumberland, to breake openn the doores. Examine and his fellow churchwardens acquainted Mr. Brandlinge with there purposè. He bid them, if they durst, medle therewith, for he would justifie the doeing of it. The officers were forced to keepe there court in the bodie of the church. Aboute 3 yeares now gone, the doores leadinge into the chauncell were still kept fast locked upp, for on a Sondaie there was a communion and the minister could not come unto the communion table but as he did creepe thurrow a hole in the doore, and all the communicantes were forced soe to doe, or to climbe over the doores. Was a churchwarden that yeare, and imployed in his attendance unto the minister. Aboute a yeare agoe or some more, and on a Sondaie at morninge praiers, examine did waite on Sir John Fenwick, knight, to the church, and they mett Brandlinge cominge forth of the church raileinge and talkeinge to himselfe. He returned back with Sir John unto the church doore, but did not goe in. Examine founde Mr. Stevenson in the pulpitt, where he beganne presentlie to reade praiers, and preached there. Some neighbours tolde examine that he was forced thereunto by meanes of Mr. Brandlinge. Aboute 3 yeares agoe come Easter next, did see Mr. Brandlinge receive the communion in Alnewicke church at the handes of one Mr. Nycolas, vicar of Feltonn. Did neyther before nor since see him receive the same. Micheall Hunter. — *Francis Greene* of Alnewick, glover, aiged 28. Hath knowne Mr. Brandlinge for 8 yeares. On a Sondaie came to church airely in the morneinge before praiers. Mr. Brandlinge came soone after, and he and Mr. Stevenson in the church did fall to some speaches and difference. Mr. Brandlinge held a litle staffe unto the breast and face of Stevenson, and talked verie angerlie. Stevenson presentlie after called to examine to beare wittnes that Mr. Brandlinge did strike him, though examine did not see him soe doe, for he did not regard the same, being a good waie distant. Stevenson redd praiers in the pulpitt, and preached there that day. Francis Green. — *Robert Adstonn* of Alnewicke, yeoman, aiged 56. Hath knowne Brandlinge for 20 yeares. Aboute 3 yeares agoe examine and Michael Hunter were churchwardens. Mr. Robsonn or some for him appointed court to be kept, and came once himselfe and found the doores

<sup>a</sup> The church of Alnwick had been appropriated to the priory of Alnwick, the possessions of which were in the hands of the Brandlings.



leading into the chancell locked upp, as they had beene at divers other times in his absence. Mr. Robsonn required examine and his fellow churchwardens to openn the same, but that they could not then doe, and soe he was forced to keepe his court in the bodie of the church, in such place as he could convenientlie. Examine and his fellow churchwardens repaired unto Mr. Brandlinge to know whie he kept the same locked, who answered that chauncell was his owne, and therefore he would locke it and openn it whenn he sawe cause, and justifie the same, and required that they should not medle therewith, as they would answere the same at there perills. That yeare Mr. Brandlinge received the communion at the handes of one Sir Nycholas, whoe he thinketh is the vicar of Feltonn. Doth not remember that he ever see him receive the same before or since. + — *John Harwood* of Alnewicke, gent., aiged 44. Hath knowne Brandlinge for 7 yeares. Came to live at Alnewick aboute 14 yeares agoe. *John Harwood*. — *George Alder* of Alnewicke, gent., aiged thre score. Hath knowne Brandlinge for 12 yeares. Heard it crediblie reported that Brandlinge lived in adultery with Shaw, and that about 7 or 8 yeares agoe, he hath alsoe heard, that she did beare a base child unto him. *Robert Stevenson* for 18 yeares hath beene, and is curat at Alnewick, and preacher there. On a Sondaie aboute a yeare gone at Mychaelmas last examine came to the church before praier. Imediatelie after whose comeinge, Mr. Brandlinge came likewise, and brought with him one Farley, a Scottish man, whoe he would have had to have preached, and acquainted Mr. Stevenson therewith, whoe replied that he was provided himselfe for that purpose, and that Farley should not preach there, in regard he had noe lycence soe to doe, whereuponn Brandling, beinge in the church, did fall into outrageous tearmes with Stevenson, and called him "base rascall, idle druncken rogue." And when as he could not obtaine his endes, he did follow Stevenson, and there in the church did, in verie violent manner, jumpe him on the breast with a litle staffe he had in his hand, and upon Stevenson's goeing awaie, he did strike him over the shoulder with the staffe, whereupon Stevenson called of them whoe were present to beare him witnes; and soe he was forced to goe into the pulpitt, and there did reade both morneinge praier and preached. The praiers were deferred by Mr. Brandlinge's violence unto the minister, soe as he could not peaceablie beginne before Brandlinge's departure. Was present with others, as namelie, his precontest Francis Greene, Mr. William Fenwick of Stanton, whoe came alsoe with Mr. Brandlinge. *George Alder*. — *John Falder* of

Alnewick, clerk,<sup>a</sup> aiged 28. Hath knowne Mr. Brandlinge for 5 yeares. About twoe yeares since Brandlinge did causeleslie fall into outrageous tearmes against examine and his father, and called examine drunken rogue, rascall, hedgrogue, and the sonne of a hedgrogue,<sup>b</sup> and endeavoured to have pulled of his hatt in the streete, and he saieth that he would draw both examine and his father at horse tayles and banish them the countrie. John Falder. — *Nycholas Horne* of Shilbotle, yeoman, aiged 52. Hath knowne Brandlinge 20 yeares. Mr. Brandlinge came into the townefeild of Shilbotle, and did violentlie carrie awaie the tieth, beare, or bigge, in the North feildes. When Mr. Viccars laboured to hinder him, Brandlinge did lye his handes uppon him and gott fast aboute the breist or collar of his jerckinge, and thereupon George Bowmaker pulled him from his horse, and Brandling bid them binde him, and toke one of his gartringes to doe the same, but was prevented by the people. + — *William Watsonn* of Alnewick, yeoman, aiged 48. Hath knowne Brandlinge for 16 yeares. It was verie notorious that Jane Shaw did beare unto him a base childe, which is now about the aige of 8 yeares, and was brought upp aboute Banechaugh, at Mr. Brandlinge's charge. Aboute twoe yeares agoe the chauncell doores at Alnewicke were locked, soe as the officers could not gett in to keepe there court. At another court holdenn after that time, the chauncell doores being left openn, and the officers beinge sett at court, John Clerk and Thomas Waugh, two of Mr. Brandlinge's men, locked upp the doores, soe as the officers and people were forced to climbe over or creepe thurrowe at the openn places betwixt the church and the chauncell. Within 7 or 8 yeares past examine hath see Brandlinge take Mr. Stevensonn by the shoulder within the church, and shake him by the gowne when he was readie to goe to praiers, and severall tymes after praiers were ended, revile Mr. Stevenson, and call him base drunken roague and such contemptible woordes. On a Sondaie aboute the time before by him deposed, examine remembreth that Brandlinge came to the church before praier, and did seate himselfe on the one side with some others, and, on the other side of the chauncell where my lord of Northumberland's officers did usuallie sitt, he placed his inferior servantes and milners, and caused

<sup>a</sup> Successor to Mr. Viccars as vicar of Shilbottle. Ejected in 1648, and "robbed abroad and plundered at home." Forbidden to use the common prayer in any private congregation in his own house. His wife could never recover her fifths, but was reviled and abused. Was restored to Shilbottle in 1660; appointed to Lesbury in 1666; and died in 1673. "A man of good learning, and an unblameable life."

<sup>b</sup> "He beinge a minister's sonne." Recital of proofs in the sentence.



them, in time of divine service, to sitt with there blew cappes on there heades. Aboute the midst of praiers some of the lord of Northumberlande's officers came to the church and repared to the usuall place, whereuponn Mr. Brandling arose upp out of his place, and did draw neere unto the chauncell doore to stopp them, saieinge unto them he would loose his life before they should come there, and soe the gentlemen were forced to seeke there places in the church. The passages made a great disturbance, and praiers and divine service was partlie hindred. William Watsonn. — *Robert Embletonn* of Shilbotle, yeomann, aiged 30. Hath knowne Brandlinge for 8 yeares. He came to Shilbotle church, and after praiers gave order unto the neighbours that they should give him notice when there corne was readie for tiething, whereupon there happened some wordes betwixt him and Mr. Vicars. Brandlinge did saie unto Vicars, "Goe, yow scoundrell, and make me quitte of yow;" or such like woordes. + — *Thomas James* of Shilbotle, yeoman, aiged 40. Hath knowne Brandlinge for 6 yeares. || — *John Clerk* of Alnewick, yeoman, aiged 24. Hath knowne Brandlinge for 6 yeares. About twelve moneths gone at sumer last, examine lived at Alnewicke Abbey as a servaunt to Mr. Brandling. Mr. Brandling had notice of a court held in the chancell, and sent some of his servautes to bid them goe forth thereof, but understanding that he did not goe forth, he sent againe examine and John Ogle and Thomas Waugh, and required them to locke upp the chancell doores, saying that that part where they did sit was his owne, and therefore they should not sitt there. Ogle, Waugh, and examine, after they had required the people to depart and did not, locked upp the doores. Some people were locked in the chancell, but how they gott forth he knoweth not. + — Apr. 10. *Cuthbert Smyth* of Alnewicke, gent., aiged 54, sworne. Hath knowne Brandlinge for 20 yeares. Heard that Jane Shaw, about 4 or 5 yeares agoe, did beare a child unto him. About 7 or 8 yeares ago Jane Kirsopp lived in house with Brandling as his servaunt. About 9 or 10 yeares agoe, on a woorking day, Brandling and Robert Stephenson did meete in Alnewicke towne streete called Narrowgate, and there passed very ill woordes, and this examine happened to come unto them, and had much adoe to keepe them asunder. Mr. Brandling threatened to have beaten him with a rodd he had in his handes, and shaked the same at him; but examine prevented him, soe as he thinketh that he did not touch Mr. Stephenson with it. Stephenson cried to examine to beare wittnes that Brandling did spitt in his face, but examine did not see soe much. The chancell doores were locked for halfe a yeare toge-

ther, saveing at such tymes as Mr. Brandling came to church and gave dirreccion for the opening of them whilest he was there. About twelve monethes gone in wynter last Brandling and John Faulder happened to meete at examine's house, and Brandling did forbidd Faulder to come in his groundes to hunt as he had formerly done. They fell at violent woordes, and Brandling called him "rascall," though he thinketh that Mr. Faulder first gave him the lye. About 8 or 9 yeares agoe was servaunt to Brandling, tamen non curat. C. S. — Apr. 11. *John Ogle* of Alnewicke Abbay, gent., aiged 26, sworne. Hath knowen Brandling for twoe yeares, and served him for one yeare and more, and is now household servaunt unto him. Had occacion to be at the court to speake with some of his freindes, and whilest he was there John Clerke, whoe alsoe served Mr. Brandling, came and locked upp the chancell doores when the officers of court and others were in the chancell. Whether Clerke had direccions from Mr. Brandling soe to doe examine knoweth not, yet is perswaded that Clerke durst not have attempted the same without his master's dirreccion. Mr. Brandling gave noe direccions to examine, neyther did he medle therein. Soone after the locking thereof, examine departed. Hath not seene nor knowe that his master received the Holy communion. Non curat. *John Ogle*. — Apr. 29. The messenger made oath that he had sought for Brandling at his dwellinge house, and given notice of the intimacion to some of his householdes servantes, and it appeared that he had notice thereof, by the certificate of the minister indorsed of the backside thereof. Appeared not. Pronounced contumacious, yet ex gratia the declaracion of the forfeiture reserved usque in sententiam. *Tho. Viccars* and *Patrick Mackylwyne*, clerkes; *George Clifton* and *John Spence*, yeomen, produced and sworne as wittnesses. *Robert Stevenson*, clerk, and *William Fenwick*, gent., witnesses, pronounced contumacious. Both were legallie monished to appeare. Further proceeding against them reserved untill Frydaie, May 9, and to be again monished to appeare that daie before thre commissioners at Durham, to undergoe there examinations. Monition against Brandling ad audiend. sententiam in prox. — *Thomas Viccars* of Shilbotle, clerk, aiged 50. Hath knowne Mr. Brandlinge for 23 yeares. About 4 or 5 yeares agoe or more, heard a constant report that he had then-tofore lived adulterouslie with *Jane Shaw*, and that she did beare a base childe unto him, which childe was brought to *Cuthbert Horslei's* house at Brainshaugh, reputed to be within the parish of Shilbotle, where examine is vicar. There was a court kept in Alnewick church, on behalfe of Mr. Robsonn,



whoe was thenn official to the Archdeacon of Northumberland. Examine and divers of the clergie, as namelie, Mr. Emanuell Trotter, Mr. Patrick Makilwyann, Mr. Robert Stevenson, and divers others were present. The officers were forced to kepe there court in the bodie of the church, in regard the chauncell doores were locked. Mr. Brandlinge came into the court with a great traine of people of Alnewick, Gysonn, and other places, and then spoake unto the officers, that indeede he came thither expectinge to have found Mr. Robson there, and he further proceeded in his conference and said unto Mr. Sissonn as followeth, or woordes to the like effect, "Yow officers have gotten a trick to call manie poore menn unto your courtes and thereuponn to excommunicate them, and then to bringe them into the court of the High Commission." And he further said that "the kinge's people and wee all doe suffer and groane under the burthen thereof, but (quoth he) if ever I be a parliament mann,"<sup>a</sup> and thenn he contained himselfe, yet examine conceived and he thinketh that the rest whoe were present did the like, that Brandlinge meant that if he were a parlyament mann he would labour utterlie to quash the authority of the said Commissionn Court. All which Mr. Brandling spoak in jeareing and disgracefull manner. Hath heard that he hath publiquelie spookenn and bragged thereof, that it was his happ all his daies to live and scorne a Bushopp, in the heareinge of John Facie and Clement Richardson, gent., and divers others. He hath much laboured the subversionn of divers ministers dwellinge nere unto him, for he hath, by vexatious courses and causeles suites, brought manie pleas and trobles against examine and Mr. Makilwyann, Mr. Stevenson, and Mr. John Fawlder, merelie of vexacionn against examine, to make him compound with him, and to betraie into his handes the rightes of his church, and thinketh it was for some sinister endes against the rest. Hath bene Master of Artes for 20 yeares and above, and is preacher of Goode's worde. In September, 1630, examine being gatheringe his tieth of bigge, which was the greatest part of the meanes he had of the said viccarage, in the Northfeild, Brandlinge, with his servantes and others, came to examine and impeached and hindred him.<sup>b</sup> Whilest he was stronglie holdenn by William Hume and George Bowmaker, twoe Scottishmen, Brandlinge laide violent handes upon examine, and grapled him aboute his throte, and thumpt him of his breast,

<sup>a</sup> His son, Sir Francis, had been M.P. for Northumberland in the brief parliaments of 1623 and 1625.

<sup>b</sup> The churches of Shilbottle and Lesbury had, like that of Alnwick, been appropriated to the priory of Alnwick.

and had his gartringes louse to have bound him, but he was rescued by twoe of his servantes. Upon his getting unto his horse, with purpose to have gottenn assistance to have saved his corne, Mr. Brandlinge cried to his servantes, saieinge, "Pull him of his horse," and thereuponn the said Brandling and Geo. Bowmaker pulled examine of his horse to the ground. Raph Forster and John Clerke, upon Sondaie, came into Shilbotle church, and Forster urged this respondent, giveinge him the lye and irreverent woordes, haveing a sword in one hand and a knottie cudgell in the other, and tooke examine by the gowne and shoulders and shaken him to and from, by meanes whereof he rent examine's gowne sleeve, all which was done in the presens of the most of the congregacioun which were at church that day. Tho: Vicars. — *Patrick Makilwyann*<sup>a</sup> of Lesburie, clerke, aiged thre score and six yeares. Hath knowne Mr. Brandlinge for 20 yeares. Aboute 9 or 10 yeares agoe John Shaw, father to Jaine, desired examine to speake to Mr. Brandlinge to give his daughter 20s. to convey her to Londonn, in regarde of the wronge he had done her. Examine moved Mr. Brandlinge therein, who answered that he agreed with Jaine for 5s., and gave her 10s., and therefore would not give her anie more, for that alsoe he had made her charges of the childe. Within theis 5 or 6 yeares examine hath heard a constant fame within the parish of Lesburie, and amongst the better sort of people there, that Mr. Brandling entertained the mother of Jane Kirsopp to be nurse to one of his children called Robert Brandling. The nurse lived in house with him, yet he turned awaie her husband and would not suffer him to live there, dureing which time it was vehementlie suspected, [&c.,] pretending that he did goe to lye with his childe. Elizabeth Oxley, whoe was then servant to Mr. Brandlinge and afterwards to this examinat, tolde examine soe much. Aboute which time examine alsoe heard it crediblie reported that he did incestuouslie and adulterouslie beget one or twoe base children of the bodie of Jaine, and that she was conveyed into Yorkshire to beare them, and from thence to some other places. On Sundaie 16 Julie, 1632, Brandlinge came in the afternoone to heare prayers at Lesburie church. After praiers he spoake to the gentlemen of the parish that he was comen to sett forth a place for a stall for Mr. Thomas Thompsonn to builde uponn, and appointed Mr. Thompsonn to pull downe the clerkes stall to build his there. Examine, beinge vicar, found fault and tolde him he had nothinge to doe to displace the clerke of his seate, nor anie other person saveinge

<sup>a</sup> Called Machyhoian by Hutchinson. Vicar from 1609.



the Bishopp and his ecclesiasticall officers. Whereunto Brandlinge in verie angrie manner replied, that the proudest Bishopp in England durst not medle with his inheritance, meaneing of Lesburie chauncell, and if examine medled or spoak more therein, he would likewise pull downe his seate and readeing pue: and that if ever a parliament came, he hoped it would pull downe and abate the pride of the usurping bishopps, "and for there courtes (quoth he) they are but bawdy courtes, and merelie to oppresse people and get monie for themselves." Examine tolde him that he and his clerke would complaine unto his Majestie's commissioners for there redresse therein. Whereunto Brandlinge answered he cared not one pinn for them of the High Commission, for it was the most wicked court in England, or woordes to the same effect. All which were spoaken in disgracefull manner in the presence of John Carr of Lesburie, gent., the younger, Thomas Thompson, Tho. Fenwick, and others. Was at a court holdenn for Mr. Robson, at which time the officers of court were forced to sit in the bodie of the church. Mr. Brandlinge came in with a great manie of people, and in affrontinge manner spoake that the officers of theis courtes would call poore people into there courtes to cozen them of there monie, and if they would not come, thenn they would excommunicate them for the matter of 2*l.*, and then they had a trick to putt them into the High Commission court, under the burthenn of which courtes both he and others did groane, "but (quoth he) if ever I be a parliament man I hope this wilbe amended." About the moneth articulate examine did goe into the chauncell, and whilest the court was sittinge Mr. Brandlinge did send a letter to the officers of the court by Thomas Key his servant, which letter Key, in disgrace of the court and by the direccion of his master as he thenn confessed, did publiquelie reede, the tenor whereof was to discharge all that were present from sitting there any longer. The people that came to the court hastened forth, and the officers remained with some others. Key, with John Ogle, John Clerk, and Tho. Waugh, all servantes to Brandlinge, locked upp the chancell doores with yronn tames and lockes, and beinge desired by examine to openn the same that he might come forth in regard he was olde and could not climbe, they tolde him they durst not, in regard they were commanded to the contrarie by there master, yet wished him to come to the North side of chancell and they would draw him forth without hurt, which they did. The rest were forced to climbe over and gett forth as they could. Beleeveeth that it was reported all that countrie over that Mr. Brandlinge had impounded both Mr. Archdeacon's

officers and divers of the clergie within the chancell of Alnewick. For manie years he hath laboured to overthrow and undoe divers of the ministers that live neere unto him, and for eight yeares past hath brought manie vexatious and causeles suites in divers courtes of Justice against examine. Aboute 3 or 4 yeares agoe, beinge Sheriffe of that countie, he did procure some of the inhabitantes of Lesburie to prefer an indictment against examine for sacralidg as he pretended, and laboured to have had the same found, and to have excluded examine from comeing in to the Jurie to answeare for himselfe. Beinge neere to Brandlinge, did heare him give direccion unto his undersheriff that soe soone as the indictment was found he should take awaie examine and carrie him to the goale without more respite. The indictment was not found, and soe examine was acquitted. In 1632 Brandling, as before he hath deposed, was at Lesbury church, and there, amongst other disgraceful tearmes, did call this examine "Gallaway rogue," and threatened to ly him in prison till he sterved and stincked, and said he had 1000*l.* to spend to beggar examine, and another 1000*l.* to beggar Mr. Vicars, and another 1000*l.* to beggar Mr. Stevenson, in despite of all the usurping bishoppes. Patrik Mack Ilwyan. — *George Clifton* of Alnewick, gent., aiged 50. Hath knowne Brandlinge for 16 yeares. Aboute twelve monethes gone at Michaelmas last, was present in Alnewick church before morneinge praier. Did observe Brandlinge runne at Stevenson with the greate end of his staffe, and Stevensonn to save his face from the hurt thereof, did put it by with his hand and soe the stooke light uponn his bodie—was forced to reede service in the pulpitt. *George Clifton*. — *John Spence* of Alnewick, yeomann, aiged 52. Hath knowne Brandlinge for 18 yeares. Aboute 8 yeares agoe or more, did see Mr. Stevensonn goeing towards the church with a booke in his hand, and nere examine's doore Brandlinge did meete him, and without anie cause did call him "drunken rogue, base rascall," and said he would make him begg his bread, and did spitt in his face and runne at him with a rodd he had in his hand, and soe drove him back against a window which was near the streete. *John Spence*. — May 9. Stevenson appeared and did sweare. Publication decreed, and copies salva examinacione dicti Stevenson, which they likewise decreed after his examinacion. Attachment contra Fenwick. — *Robert Stevensonn* of Alnewicke, clerk, aiged 44. Hath knowne Brandlinge for 20 yeares. Aboute 10 or 11 yeares agoe, Jaine Shaw did beare one base childe begotten by Mr. Brandling in adulterie, after the birth of which childe she repaired oftenn to Brandlinge's house, and Brandling hath



takenn the childe and mainetaineth it. Aboute 3 or 4 yeares agoe Jane Kirsopp lived in the house of Mr. Brandlinge at Alnewick Abbey, and whilst she there lived she was begott with childe by Mr. Brandlinge as the report was. She was conveyeu from thence to Yarum in Yorkshire by Thomas Forster, thenn servaunt to Mr. Brandlinge. Beleeveth that she did beare a child there at the house of one Simpsonn, whoe was called before his Majestie's Commissioners at York, or to the consistorie there, for entertaineing her. Hath verie crediblie heard that she was conveyeu from Yarum to Londonn, where she lived at Mr. Brandlinge's charge for a yeare or more. Aboute Martinmas gone twelve monethes at Martinmas last, she was brought from Londonn to Alnewike Abbey by Thomas Waugh, whoe was and is a servant to Mr. Brandlinge, and was kept all that winter untill the Candlemas after at the said Brandlinge's house, and did sitt with him at table and he called her "cozin," and it was vehementlie suspected, [&c.] Hath heard he sent her golde to London by John Ridley. Aboute 6 or 7 yeares agoe Brandlinge, in verie contemptible manner, beinge then speakeinge of Mr. Deane of Durham, wished examine to goe to Mr. Deane, which he then called by the name of "Mr. Devill of Durham," and tell him that if his sonne Jack had not plaied the Jack with him, he would have pulled Mr. Deane forth of the church by the eares. Mr. Brandlinge caused his servantes to lock upp the chancell doores, [&c.]; did hinder the busines and raile against the officers; tolde them they were oppressers of the people; that if ever there was a parliament againe, &c., [*sic*] and did goe noe further. Was present when the officers and clergie and other laie people were locked upp in the chancell. They were locked upp for 3 or 4 hours, and divers of the people were forced to creep thurrow at openn places where they could, and they whoe were without did crie and speake unto the officers at there severall calls. It was oppenlie reported that Mr. Brandling had impounded all Mr. Archdeacon's officers. Mr. Brandlinge hath had divers suites in severall courtes against examine, as alsoe against Mr. Makylwian, Mr. Viccars, and Mr. Fawlder, and threatned utterlie to beggar them, and threatned this examine to cast him into goale, and make dice of his bones. For 24 yeares hath been graduate, and curat at Alnewick for 20 yeares. Aboute 8 or 9 yeares agoe, after sermon was done, Brandlinge, in Alnewick church, interrupted him in administering the holie communion, callinge him "Rogue, rascall, villaine, traitor," with manie other reproachfull speeches to the greate disquiett of the communicantes. On a weeke daie, examine goeing to Alnewick church to execute divine service,

mett Brandling in the towne gaite, and he in his wonted manner, without anie occacionn, did fall to raile uponn examine, and did spitt in his face, and endeavored to thrust out his eyes with a horsrodd with which he did strike at examine; and on a Sondaie did pull him by the gowne sleeve and rent the same, and called him "base fellow." [Deposes to the other scene about Farley.] Was forced to reade divine service in the pulpitt, in regard he would have had Farley to have preached there. Aboute 3 yeares gone at Easter, one daie after examine had ended the communion, Brandlinge brought one Mr. Nycholas Roathwell, now vicar of Feltonn, at whose handes he received the holie communion, and since nor before for tenn yeares he doth not remember he received the same at his parish church at Alnewicke. Robert Stephenson. — May 13. Fenwick sworne. — *William Fenwick* of Stanton, Esqr., aiged 53. Hath knowne Brandlinge for 20 yeares. On a Sondaie morninge came to Alnewick church before Divine service, and walking in the chancell with Mr. Brandlinge, there came one whoe seemed to be a minister, a Scottish mann, and told Brandlinge that Mr. Stevenson would nott suffer him to preach that daie, whereunto Brandlinge tolde him he should preach there whether Mr. Stevenson woud or noe. And Brandlinge being moved therewith, as examine conceived, did goe towards Stevenson, whoe was walkinge in an outter ile in the said chancell, and spooke unto him as followeth, or to the like effect, "Thou base druncken rogue, will not thou suffer this mann to preach?" and, Stevenson replyinge in some evill tearmes, Brandlinge thereuponn did goe forth of the chancell from examine into the ile where Stevenson was walkeinge, and there beganne againe, in very bitter manner, to talke in his face; and had a litle walkinge staff in his hand, with which staff and his hand he did jumpe him of his breast as he spooke unto him. Stevenson then called to examine and others to beare him wittnes that Mr. Brandling stroak him, whereupon examine, not willinge to be a spectator of anie such disorder, did depart to my Lord of Northumberland his officers at the castle, and came to the church againe with them, where he found Stevenson reading service in the pulpitt, and prech there when service was ended. All which violence passed in the presence of divers people whose names he did not then know, in regard he was partlie a strainger there. Wil. Fenwick. — May 14. The messenger made oath that he showed a monicion to appeare this daie and hear sentence to Brandlinge at his owne house in Alnewick Abbey, and had caused the same to be published in Alnewick church. Thrice called, appeared not. Whereuponn his Lordshipp and Commis-



sioners, at the motionn of there counsell assigned for there office, decreed that the cause should be publiquelie informed, (the absence or rather manifest contumacie of Brandling notwithstandinge); and thereuponn Mr. Raph Huttonn, beinge advocate and assigned for the office of the commissioners, did publiquelie reade the breife and urged the prooffe made. His Lordshipp and Commissioners, for divers reasons, for the presente omitted the charge for speakinge unreverent woordes against the Commission. For all his enormous and unparrelled offences his Lordship and the Commissioners proceeded to give sentence diffinitive as followeth:—He shalbe imprisoned [in his Majestie's goale *erased*] dureinge his Majestie's pleasure. For his adulteries and contempt of jurisdiction, and of ecclesiasticall persons and officers, he shall make publique submission in penitentiall manner in Alnewick church and Saint Nycholas in Newcastle uponn Tyne on severall Sondaies, accordinge to a schedule. For his lockinge of the chancell doores when as the court was to be held, and for causeinge the same to be left openn and then lockinge in the officers, he shall make openn acknowledgment of the same at the next episcopall and archidiaconall visitacions, within the said church or chancell of Alnewick, accordinge to a schedule. For his laieinge violent handes uppon the clergie, he shalbe denounced excommunicate ipso facto, in his parish church, accordinge to the statute. He shall paie to his Majestie, for a fine, 3000*l*. Lastlie, he was condemned in costes to be taxed by one or more of the commissioners. (*Note.* Perused by Mr. Hutton.)

ROGER WOODRINGTON of Cartingtonn, Esq.\* Unlawfull or clandestine marriage. 1633. Aug. 15. Robert Mitford, the deputy messinger, was at Cartington, where Mr. Woodrington liveth, and shewed and delivered the letters missive to his steward, whoe acknowledged that his master was then in the house. Appeared not. Sep. 5. Nycholas Raine, the messinger, did goe to Cartington, and one of Mr. Woodrington's servauntes acquainted him that his master was at home, whereupon he shewed him the intimacion, and wished him to acquaint his master therewith, in regard he could not speake with himselfe. He alsoe shewed the same to Mr. George Thirleway, whoe was a neighbour and freind to Mr. Woodrington, and caused the same to be published in the parish church of Roathburie, where Mr. Woodrington is a parishioner, as appeareth by the certificat

\* Brother of Sir Henry of Widdrington. Married 1. Mary, daur. of Francis Radcliffe of Dilston; 2. Rosamond, daur. of Michael Wentworth of Wooley, Yks., and widow of Bertram Reveley of Mitford. See his inventory. Hodgson, II., ii., 254.

of the parson there. The fyne of 50*l.* to be forfeited and certified into th'exchequer. Sep. 26. Respitted, for his lordshipp had informacion that he could not then appeare by resonn of his busines. Nov. 28. Respitted, for the commissioners conceived he was in London. 1634. Apr. 1. Exhibited matter of defence. He is to prove the contents of the allegacions. Apr. 29. Produces Edward Hall and John Hall. — *Edward Hall*, par. Hallystone, yeoman, aiged 36. Hath knowne Roger Woodrington from his infancie. Woodringtonn hath had divers occasions to ride into Scotland, and to speake with noblemen and other gent' of that countrie, aboute his necessarie busines, as examine thinketh. Cartingtonn, where Woodrington now liveth, is aboute tenn miles distant from Scotland. Aboute twelve monethes gone at Mychaelmas last, Woodrington, with Rosamond Reevey, Mark Scott, and one gentlewoeman whoe attended Rosamond, and others whose names he knoweth not, came to examine's house at Lindsheildes, within the parish or chapelerie of Hallystone. Examine thereuponn tooke his horse and rode with Woodrington, beinge his master, to a place in Scotland called Cuthberthoope. Aboute eleaven a clocke on the daie time, there came a gentlemann whoe was a strainger to examine, beinge an olde mann, and both he and all the rest at Cuthberthoope, in the openn feild, alighted, and there the strainger tooke forth a booke and called Mr. Woodringtonn and Rosamond together. Before he spooke anie thinge he asked examine and his companie if they knew any cause whie theis twoe might not be joined together, after which the strainger did marrie Woodringtonn and Rosamond Reevey, usinge the verie woordes, forme, and manner used in the Church of England, and repeated all the marriage in English, in the presence of examine, John Hall, and divers others. Knoweth that the woordes and manner of marriage was agreeable to the manner used in the Church of England, for examine was married him selfe accordinge to the forme of the Church of England, and hath beene present at divers other marriages which were made accordinglie. But whether the strainger was a preist or in holie orders examine cannot depose, howbeit some of the companie told examine he was a preist. After the marriage was ended the strainger used some woordes which examine did not understand. Beleeveth that ever since the marriage Woodrington and Rosamond lived together at Cartingtonn as mann and wife, and soe are reputed and called. Is a servant of the party producing him. E. — *John Hall* of Lindsheildes, par. Hallystone, yeoman, aiged 30. Hath knowne Woodrington for 20 yeares. Woodrington with Rosamond Reevey [&c.] came to Edwardes



Hall's house of the Lindsheildes, whose brother to examine, and thereupon examine and his brother Edward took their horses [&c.] Examine was married himself according to the manner used in the said church. Is a servant of the party producing him. H. — [The cause respited from court to court for reasons known to the commissioners, for a year.] 1635. Apr. 23. His lordship and the commissioners, upon long deliberation, and having advised with their counsel, decreed Mr. Woodrington to be finally dismissed and the cause no more to be entered. Recognizance discharged.

EDWARD GRAY of Morpeth Castle,<sup>a</sup> Esq. For the like. 1633. Aug. 15. Similar. His lordship informed the commissioners that Gray had been with him to desire further time. Respited. Nov. 7. Edward Graie, servant to the said Edward Graie, Esq., the party convented in this cause, made oath that his master was so sick that he could not travel without danger. 1634. Feb. 11. [Proceedings thenceforth identical with those in the last case.] — *Edward Hall* deposes as in his former deposition [in the last case] *mutatis mutandis*, saving that Mr. Graie was married by a stranger about Easter now gone 3 years at Easter last, at the same place and in the same manner whereat the same witnesses were present, and he liveth 18 or 19 miles from Scotland. — *John Hall*. The like.

THOMAS LETHAT, clerk, on the promotion of Mr. ALEXANDER WOODDELL, clerk. Sundrie misdemeanours. 1633. Aug. 15. Letters missive had been awarded upon the information of Mr. Alexander Wooddell. Lethat appeared. Direction that Wooddell should be called by attachment to prosecute the information. Sep. 5. Bond to prosecute. Sep. 26. By consent, the ordering of the differences betwixt the parties was referred to Mr. Deane of Durham. Oct. 17. Certified to be agreed. 1634. Jan. 14. Mr. Sisson, on behalf of Lethat, undertook to pay the fees of court.

ROBERT EMMERSON. Clandestine marriage.<sup>b</sup> 1633. Sep. 5. Could not be found. Sep. 26. The messenger had left notice at Emerson's house in Wardale, with his mother-in-law and

<sup>a</sup> Second son of Sir Edward Grey of Morpeth Castle, knight, who died 1631, by Catherine Strange. He married Margaret, daughter of Sir Henry Widdrington of Widdrington, knight, and died in 1658. See the pedigree of Grey in Raine's North Durham.

<sup>b</sup> Quite a failing in this Weardale family. See the proceedings against William Emerson above, and Ralph Emerson hereafter.

wife. 20*l*. forfeited and certified. Oct. 17. 40*l*. forfeited and certified. Nov. 7. The like, 40*l*. Nov. 28. The like, 20*l*. 1634. Jan. 14. The like, 40*l*. Feb. 11. The like, 50*l*. Mar. 4. 50*l*. forfeited. April 1. The like, 60*l*. May 14. The like. June 20. The like. Another attachment, with intimacion under same penalty. [The case now sleeps hopelessly, for not one personal service had yet been made.] 1638. Mar. 6. Attachment de novo for his clandestine marriage and private baptismes. [Several renewals.] Aug. 16. 10*l*. forfeited. Sep. 18. The like, 10*l*. Dec. 4. The like, 10*l*. 1639. Mar. 12. The messenger made faith that he had left lawfull notice [&c.] 20*l*. forfeited. July 23. Attachment renewed.

RAPH EMMERSON. For the like. 1633. Sep. 5. Could not be found. Oct. 17. Was formerlie called for the offence, and did undergoe punishment, as appeared by a certificate of Doctour Cradocke, late Chauncelour. Dismissed, soe as he paid the charges of court. Nov. 7. Attachment for them.

THOMAS STOBBS. The like. 1633. Sep. 4. Charged that he had procured himselfe to be clandestinely married, and not in the parish church where eyther he or Elizabeth Denton, to whome he was soe married, were parishioners, and that without anie lawfull lycence or dispensacionn. Sep. 26. Had made answere and confession. He shall produce wittnesses to proove the contentes of his answere. Oct. 17. Produced a certificat from Mr. Jo. Donkin of his marriage, notwithstanding which the commissioners required him to proove it by twoe sufficient wittnesses. Nov. 7. Exhibited an allegacionn. Wittnesses sworne to depose uponn its contents. — *Thomas Tod* of West Mackneyle, co. Durham, yeomann, aiged 40. Doth live a great waie from Thomas Stobbes, and soe is not acquainted with his life and conversacion. Aboute eight yeares gone in sommer last, respondent with others was intreated by a freind of Stobbes to accompanie the said Stobbes at his marriage. Promissed to meete Thomas and his companie the next daie at Hamsterley chappell. Did there meete Stobbes and other companie. They did all goe into the chappell, beinge in the fornoone. Mr. John Donkin, then and yet curate of Hamsterley, called Thomas before him and Elizabeth Dentonn, and tooke his booke and did solemnize the marriage, and use all the cerimonies which are used at other marriages, and he thinketh was prescribed by his booke which he then used, and red unto them. All which were done in the presence of examine, Raph Stobbes, brother to Thomas, and Francis Jackson, now deceased, as alsoe of Wm.



Hodgsonn, the parish clerke of Hamsterley. Tho: Todd. — *Raph Stobbes* of Rookeupside, par. Stanhopp in Wardaile, gent., aiged 39. Thomas Stobbes, being this examinaes brother, is accounted for an honest mann, and of good fam and conversacionn, and never was detected for fornicacionn or adultery, and for such is takenn of his neighbours within the parish of Stanhopp. Was intreated by his brother to accompanie him unto his marriage, and did goe with his brother and Elizabeth Dentonn from the house of Francis Jacksonn, where they lodged the night before, unto Hamsterley Chappell. Mr. Donkin did marrie as is prescribed by the Booke of Common Praier. Raiphe Stobbs. — 1634. Mar. 4. There was nothing on the part of Stobbs alledged or proved materiall to qualifie the articles. To acknowledge his offence publiquely in his ordinarie apparrell within the parish church of Stanhopp on some Sondaie, and alsoe make an acknowledgment of his conformitie, [&c.,] to the church, according to the statute, and paie 10*l*. to his Majestie. Apr. 1. In Yorkshire. May 14. Certified submission. June 5. Costs taxed to 6*l*. 10*s*. Sep. 18. In regard of his poverty reduced to 3*l*., which he is to enter bond for the payment of, viz. 20*s*. to the messinger at Pentecost next, and 40*s*. at Martynmas.

ANDREW CLENNELL. Layinge violent handes on a minister. 1634. Feb. 11. Could not be found. Mar. 4. 20*l*. forfeited, Apr. 1. 30*l*. forfeited and certified. Apr. 29. Appeared. Thomas Sotherenn, clerk, bound to prosecute. May 14. Upon the informacion of Mr. Tho. Triplett, vicar of Woodhorne, and for that Sotheren did not prosecute, Clennell finally dissmised, upon payment of costes. Oct. 21. Entred bond to paie within thre weeke.

JOHN DOBSONN, clerk. For sufferinge an excommunicate personn to be buried in the churchyard. 1633. Sep. 5. Letters missive. Sep. 26. Alledged that he was ignorant of the act, neyther did he give waie thereunto. Dismissed.

ISABELL OXLEY, wife of William Oxley. On the promocion of THOMAS REEDE, clerke. Blasphemous woordes. 1633. Sep. 26. Letters missive. Nov. 7. Thomas Reede, who prefered the informacion, bound to prosecute at his owne charges and paie the defendant costes if he should faile. 1634. Feb. 11. Tearme probatorie prorogued till this daie. Monicion against him to shew cause why he should not be censured as a calumniator and she dismissed with costes.—Mar. 4. *Raph Fenwick*,

of Heddonn on the Wall, yeoman, aiged 33. Hath knowne Thomas Reede for 12 yeares. Heard Mabell Carrock and Margaret Hall saie that Isabell spooke as is alledged, and said they would uponn there oathes justifie the same to be true if thereunto called. At sundrie times hath heard her most wickedlie take Godes holie name in vaine, uponn any light occacion, saieing "Godes blood, Godes heart," and "Godes woundes," and such like notorious oathes. About the end of August last, and at divers times since, heard Isabell Oxley, in verie detestable manner, curse George Fenwick as followeth :—"Godes curse, Godes plague, light of the and all thine." Aboute August or September last Isabell, in the townegaite of Heddonn and neere unto the doore of Reede, did revile, and curse, and said unto him, "Godes plague and Godes curse light of the and thine beastes, and God lett never they nor anie thing thou hast prosper nor doe well." Beinge neighbour unto Isabell, hath verie oftenn heard and observed her cursinges. Ralphe Fenwicke. — Apr. 1. *Mabell Carrock*, wife of Richard Carrock, of Heddonn on the Wall, aiged 40. Hath knowne Reede from his birth. Aboute three yeares gone at Candlemas last, examine and Isabell Oxley meeteinge at a place called the Milne Hill, within the parish of Heddonn aforesaid, and upon some coneference and unkindness which then happened betwixt examine and Isabell, examine answered that her grandmother, meaneinge Isabell Oxley's, and her father, meaneinge this examine's, loved well together. Whereunto Isabell replied, "The Devill goe with thie father and my grandmother." There was Margaret Hall sitting a litle from them. Is aunt unto the party promovent, though she careth not whoe obtaine the victorie. — *Margaret Hall*, wife of Peter Hall, of the towne of Heddonn on the Wall, aiged 60. Aboute foure yeares agoe happened to be at Heddonn Milne, and uponn comeinge thither found Oxley and Carrock, who were falne at some variance. Did not well heare them in regard they begune forth of the milne. Soone after they came into the milne, Carrock acquainted her that she did utter the wordes articulate. Reproved Isabell, and saide "Fie upon yow, Isabell, whie doe yow speake anie such wordes?" Isabell, in very angrie moode, replied :—"What care I, by God Almighty?" There being presente Mabell Carrock, *Margaret Stawper*, and the milner, whoe is since deceased. Oxley is accompted for a lewed woemann of her tonge. O — *Blanch Stawper*, wife of William Stawper, of par. Heddonn, aiged 30. Oxley and Carrock happened to be at the milne which examine's husband then kept, and fell at oddes and difference. Cannot particularlie remember what the wordes



were, in regard it is soe longe since, and examine thenn lying in childbed. All she heard was from Margaret Hall, whoe tolde examine that Oxley had said, [&c.] There was presente Carrock and Hall, and noe others that she can remember. Oxley is accompted to be a great scoulder. + — June 26. Submitted. She shall in penetentiall manner, in the church of Heddon, confesse her irreligious course of life in cursinge and sweareinge. Aug. 8. Certified. Sep. 18. Costs taxed against her to 4*l*. Oct. 21. Wm. Oxley undertook the paiement of the costs, on behalfe of his wife, on or before next court, the moyety thereof, according to the taxacion of court, was paid, the other halfe was to be paid by Thomas Reede.

ROBERT ELSTOBB. Clandestine marriage. 1633. Sep. 26. Letters missive. Oct. 17. Remitted to the ordinarie jurisdiction.

ROWLAND EMMERSON. Adulterie. }  
JOHN TULLIE. Irreverent woordes. } Similiter.

RAPH EDEN. Beateing the messinger. 1633. Oct. 17. Attachment. Nov. 7. Confessed. Committed to the goale. Dismissed next day on his submission and acknowledgment of his wrong, and satisfaccion given to the partie, soe as he paid costes.

JOHN SERVANT. Clandestine marriage. 1633. Oct. 17. Attachment. Nov. 28. Charged to have procured himsele to be clandestinelie and unlawfullie married by a popeish preist. 1634. Jan. 14. Had confessed that he was married in a private house wherein Jane Pinckney, his wife, then and now dwelleth, situate within the chapplerie of Sct. Margaretes in Durham: and that the marriage was made by one whoe was knowne by the name of Mr. Foord, beinge a popeish preist, as he was verily perswaded, and whoe he thinketh had noe lawfull authoritie to exercise that functionn within the realme of England. Mar. 4. He shall acknowledge his offence in solemne manner in his penitentiall habit, at the markett cross at Durham, on some Saturdaye, and paie 40*l*. fine to his Majestie. May 14. The certificat upon the performance of his submission and taxacion of costes was respitted till this day. His lordshipp and commissioners, for divers reasons, decreed the cause to stand statu quo in prox.

SIR GEORGE HUME, knight, and MARGARET MITTON. For suspicion of adulterie. 1633. Nov. 28. Letters missive. 1634.

Jan. 14. Mr. Maier of Barwick and some of the burgesses, under the comon seale of the towne, certified that Sir Georg was soe infirme by reasonn of a palsie which had seised on him, that he could not appeare. Respitted. Mitton did not appeare. Attachment. Feb. 11. Hume, by his servant, presented a letter of his infirmytie. Respitted. Mitton could not be apprehended. Mar. 4. Neither appeared. Attachments. Apr. 1. 50*l*. forfeited by Hume. Mitton could not be found. A private warrant directed to the maier and baliffes of Barwick to attach the parties. [No more concerning Mitton.] 1635. Sept. 23. Attachment against Hume. 1636. Mar. 9. Gone to live in Scotland.

RAPH INSKIP. Blasphemous woordes. 1633. Nov. 28. Letters missive. 1634. Feb. 11. 20*l*. forfeited for nonappearance. Mar. 4. 20*l*. forfeited. 1635. Jan. 14. Could not be found. 30*l*. forfeited. A warrant to the maier and baliffes of Barwick.

THOMAS FORSTER of Prudhoe and THOMAS PARKER, on the promocion of WILLIAM SWANNE, clerk. Divers misdemeanours. 1634. Feb. 11. Attachments renewed. Apr. 1. 10*l*. forfeited. Apr. 29. Both fledd, and the messinger could gett noe knowledg whether they had gone.

JAMES WALLEY, on the promocion of ISABELL PATTISONN. Compoundinge a matrimoniall contract. 1634. Feb. 11. Could not be found. June 5. James Walley and John Walley, his father, appeared. Isabell Pattisonn,<sup>a</sup> in open court, preferred a petition against the said Walley. Father and sonne sworne to answeare articles. Letters missive against John Pattisonn, unckle to Isabell, to answeare the said articles. June 20. Pattison sworne. — JAMES WALLEY and JOHN WALLEY, gent., on the promocion of ISABELL PATTISONN. Aug. 8. The father was sewed with proces to be a witnes at theis assizes at Newcastle, and soe was respited. Dec. 11. James Walley is dead. — JOHN PATTISON. 1635. Jan. 22. By the articles he was charged to have combined with other persons and compounded a lawfull contract, and given monie to defeate the contract and marriag. Confessed that, by the procurement of his father, he was drawne into and made partie unto articles of agreement, which purported to be the release of a contract pretended to be betwixt James Walley and Isabell Pattisonn, his neice, though he had

<sup>a</sup> *Qu.* the heiress general of Pattison of Hedworth. See Surtees, i. 25., ii. 81.



noe hand att all therein, but by his father's requisicion or direction, and beinge advised by his counsell he might lawfullie doe the same. Dismissed in regard he was not in mala fide yet condemned in costes. — JOHN WALLEY, gent. 1635. Feb. 19. Charged to have compounded a matrimoniall contract betweene James Walley, his late sonne, and Isabell Pattisonn, spinster, and for takeinge money to anull the contract, soe farr as in him was or that it should not take effect. In his answeres, he confessed that his sonne and he received money for there charges accordinge to articles of agrement amongst the parties, which his counsell advised him he might lawfullie doe without anie prejudice. The commissioners were induced to be of opinion that his act was both contrarie to the canons and ecclesiasticall constitutions of the church of England, and likewise was an evill president and example for others to attempt the like. To make an acknowledgment of his offence in the parish church where he dwelleth, as alsoe in the parish of Jerroe, beinge nere thereunto, on twoe severall Sondaies, and paie to his Majestie a fine of 40*l*. Mar. 19. Certified performance. Costes taxed at 4*l*. 10*s*. May 28. The deputy messinger had had beene at his house, but could not speake with him in regard, it was alledged, he was then from home. June 25. Dismissed in regard of his povertie.

WILLIAM CARLELL and JANE CARLELL of the chapelry of Witton, his sister. Incest. 1634. Mar. 4. Confessed adulterie and incest together; and that about twoe or thre yeares now gone, Jane bid beare a base childe, begottenn in such incestious manner; and that since Christenmas last they did committ incest in the house of Thomas Carlell there father. They shall, in penitent manner, lineis vestibus, confesse there sinne in three severall churches or chappells, viz: in the Cathedrall church of Durham, in the parish church of Midleham, and within the chapelrie of Wittonn uponn Weare, on thre severall Sundaies, and on thre severall markett daies, vizt.: at Durham, Awckland, and Darnetonn. They shall have imprisonment in the goale at Durham for seaven yeares, and shall not come together in the goale, but be severallie kept. June 4. Jane certified performance. June 20. William submitted himselfe and acknowledged his escape, whereuponn he was committed to the custodie of the messinger for 14 daies, and then he shall enter bond for performance of his submission. Aug. 8. Upon peticion of the messinger, sent to the common goale to remayne according to the decree.

THOMAS CARLELL. Entertaining his sonne and daughter liveing in incest. 1634. Mar. 4. Bond to appeare. Apr. 29. Submitted. He was charged with harbouringe William Carlell his sonne, and Jane Carlell his daughter, whoe heretofore lived in professed incest and adulterie, and Jane did beare a childe : since which time he hath permitted them to live together, and harboured and relieved them, as in his answeares he confessed, since Christenmas last, and for 5 weekes together, in his house within the chapplerie of Wittonn uponn Weare. He shall publiquelie confesse his offence in the parish church of Bishopp Middleham, and the chapple of Witton, and at the Markett Crosse of Awckland, and paie 20*l*. fine to his Majestie, and suffer a monethes imprisonment. June 5. Released. June 20. Certified performance. Aug. 8. Paied 5*l*. costes. Dismissed.

MICHAEL STOKOE, on the promociion of SUSAN STOKOE. For alimonie. 1634. Mar. 4. Alledged that she had received satisfaccion. Apr. 4. Brought a certificate from his wife that the difference betwixt him and her was composed. Dismissed uponn paiement of costes.

JAMES HAMBLETON.<sup>a</sup> Rayleing against the cerimonies of the church. 1634. Mar. 4. Sworne to answeare. May. 14. Which day Humbleton used some irreverent woordes in court, and especially against Dr. Cosin. Committed till he should enter good bond to answeare the same.<sup>b</sup> The same day he submitted himselfe, and is to make acknowledgment of his rashnes and forwardnes of speeches at the next court. June 5. Made his submission in open court. June 20. Paiement of costes suspended untill he were better able to paie the same.

GEORGE SWALWELL<sup>c</sup> of Wolvestonn, yeoman. For a Popish seducer. 1634. Ap. 1. Sought at his dwellinghouse but could not be found. Private warrant unto the high constables there for attaching him. Ap. 29. Submitted to censure, haveinge notice of a warrant formerlie granted. To appeare to receive articles. May 4. Charged to have seduced some of his Majestie's good subjectes from their allegiance and obedience to his highnes, and for teaching schollars without a licence, he being a

<sup>a</sup> Evidently an admirer of Peter Smart.

<sup>b</sup> It seems from the sequel that these and his former speeches were classed together.

<sup>c</sup> A person of the same name was vicar of Kelloe, and, falling to the old faith, suffered at Darlington, his birthplace, in 1577. In 1570, Thomas Swalwell, curate of Brancepeth (formerly of Medomsley), was accused of Roman tenets, but denied the charge.



recusant papist. Aug. 8. Had, by his answeares, absolutelie denied the charge. — Sep. 18. *Elizabeth Shippard* of Wolveston, widdow, aiged threscore. Hath knowne Swalwell for 40 yeares. He cometh not to the church. About 10 or 11 yeares agoe she was partlie resolved to fall awaie from the church of England and divine service therein established, though the same was not anie waie occasioned by Swalwell, neyther had she anie conference with him therein. Is now and hath bene for 10 yeares last a good comer to the church. + — *Thomas Dobbison* of Wolveston, yeoman, aiged 40. Aboute Candlemas last gone 12 moneth he did send his childe unto Swalwell, whoe for 3 weekes did teach his boy to reade in his psalter, but had nothinge for his paines, neyther doth know that he taught anie other schollers. H. — *William Johnson* of Wolveston, yeoman, aiged 33. Aboute Christenmas last gone 12 monethes had a childe which fell sicke, and continewed soe for 4 or 5 daies. and then died. Whilest the childe soe laie sick, and in one eaveninge, Marie Wilde of Wolveston did goe and call in George Swalwell to examine's house to se the childe. Examine was in the house, and did heare Swalwell saie the Lorde's prayer and the beleife, but did not heare him saie anie other praier or use anie sprinklinge of water, as is articulate, save that when the childe was in extremitie, Swalwell sprinkled water mixt with drinke of the said childe his face, and soe examine did then goe to bed and left Swalwell in the house with the childe. William Johnson. — *George Huntington* of Wolveston, aiged 40. About twoe yeares gone at Christenmas last his wife (whoe, when he married her, was a widdow and had children to a former husband) did put her sonne to Swalwell, whoe taught him to read about one moneth or six weekes, which childe soone after died. + — *Charles Watson* of Wolvestonn, yeoman, aiged threscore. For tenn years past Swalwell hath bene a popeish recusant, as yett he is, and hath not repaired to the church to heare divine service and sermons. About four yeares agoe, examine and Swalwell had occasion to goe to Yorke together about some suites they had there, and Swalwell then mooved examine to turne his religion, meaneing the Popish religion, saieing further that all of the Protestant religion were damned; but examine would not condescend unto him, and soe he pressed him noe further. Soone after which, examine, being a churchwarden of the parish of Billingham, presented Swalwell for labouring to seduce him. There were none present and heard his woordes, for he and Swalwell were private together. And further cannott depose. || — *James Kinge* of Wolveston, clerk, aiged 53. Hath knowne Swalwell for tenn yeares. Aboute

halfe a yeare agoe Charles Watson did relate unto this examine, in the presence of Mr. Archdeacon Clerk and Mr. Booke, that Swalwell had at one time, in theire goeing to Yorke, and at another time in there comeinge together to Durham, laboured and sollicitted the said Charles to draw him awaie from the religion he professed; and Charles said that he answered Swalwell that he would not chainge his religion in his olde daies. Elizabeth Shippard alsoe tolde examine that she did divers times goe to heare masse with Swalwell, whoe advised her thereunto as examine is perswaded:<sup>a</sup> all which she did likewise relate unto Mr. Booke at Easter last, in Billingham chancell, in the presence of examine. [Handwriting changes.] About a yeare agoe, chanced to be in Mathew Corner's house in Wolveston, and there Margaret Brown, wife of Raph Browne, tayler, tolde Mr. Archdeacon Clarke, in the presence of Mr. Boack and examine, that a litle thensfore she had beene at William Johnson's house, whoe had a litle childe sicke, and Swalwell being sent for, came to see the childe, and that he praied by the childe and sprinkled water on the face of it. About 3 yeares agoe, examine being then and yet curat of Wolveston, and understanding that Swalwell taught schollers within examine's cure contrary to law, did goe unto Swalwell and advised him to desist, in regard he was not licenced soe to doe, and examine tolde him that he would teach his graundchilde for nothing if he would give over his teaching. Swalwell replied he kept noe schoole, but taught in his owne house. Howbeit examine is perswaded that Swalwell hath since taught schollars, for about halfe a yeare agoe examine did light of a boy of John Thompson's of Wolveston, weaver, whoe was goeing to Swalwell's house with a popish manuell under his arme. Knoweth that Swalwell taught the boy, for he hath divers tymes seene him at Swalwell's house, his father alsoe being a recusant papist. James King, clk. — 1635. June 25. By the testimony of Charles Watson, whom he laboured to seduce, and of some others it appeared that Swalwell had taught schollars, and had taught bookes not allowed by law in that behalfe without anie licence. To be committed to his Majestie's goale there to remayne dureing the pleasure of the Reverend Father and Commissioners, and paie 40*l*. for a fine to his Majestie. July 30. Peticioned for release, which was decreed. Sep. 23. Appeared, whereupon the Commissioners thought to tax the charges moderatelie, in regard of his complainte and povertie, and respited the same. Oct. 21. Taxed

<sup>a</sup> It is evident that all the other witnesses said as little against Swalwell as possible.



to 47. 1636. Ap. 28. He and his bondsmen appeared and were dismissed gratis, and he alsoe in regard of his poverty.\*

EDWARD DUNNINGE. For contempt of jurisdiction. 1634. June 20. He stode excommunicate for foure or five monethes together, and in contempt of ordinarie jurisdiction, whose contempt therein his Lordshipp and the Commissioners conceived gave greate scandall and evell example to other obedient subjectes. He shall acknowledg his contempt in his parish church and at the next visitacion court held there, and enter bond to perform the same, and undergoe the sentence of the ordinary. Aug. 8. Appeared and satisfied. Dismissed quoad causam. He is againe to make the like acknowledgment at the next visitacion court. Sep. 23. Appeared upon his bond, and committed till he paid costes, and monished to undergoe his submission. Articles exhibited, and he sworne to answere the same. After which he paid part of the money and is to paie the rest in prox. — For quarrelling in the church. Oct. 21. John Bower made oath that he was at London, or in his journey thither. 1636. Ap. 28. *Thomas Crosbie* of Sigston, co. Yorke, clerke, aiged 42. On Candlemas daie gone twelve monethes at Candlemas last, the forenoone of the same daie, Robert Binckes having placed himselfe in a seate in the church which he now challengeth and possesseth. Duneinge thereupon, immediatlie before praiers, did come into the church and attempted to have entered into the stall where Binckes was placed, whoe did shutt the doore and helde the same to hinder him, and thereupon examine did see Duneinge in verie violent manner strike twice over the doore att Binckes, and presentlie after Binkes looked upp and examine perceived his mouth to blede, which he is induced to beleve was occasioned by the strookes and violence of Duneinge. Duneinge, in verie disordered manner, did with the like violence runne against the stall doore with his foote, intendinge thereby to have burst it open, and when as he could not prevale therein, he went into the next seate and did climbe over the topp of the stall into the said seate, after which Binkes and his daughter left the seate and went their waies. *Thomas Crosbie*. — *Robert Binkes* of Sigston, yeoman, aiged 56. Placed himselfe in his owne seate. Duneinge pulled att the doore, but the doore beinge made fast within, could not gett in, neyther would examine suffer him to enter, but willed him to goe to his owne seate, whereupon Duneinge strooke

\* A person of the same name occurs afterwards for non-payment of cessment, and contempt of jurisdiction.

over the stall doore twice or thrice, and hitt examine upon the face, which made his mouth to bleede. And when as he saw he could not gett in, he did goe into the next seate and in verie disordered manner did clinbe over the wainescott into examine's stall and tooke hold of examine's shoulders, whereupon examine, his mother, and his daughter, left the seate and departed the church, in regard both of his bleedeinge and that he would not give anie occacion of offence or scandall. The same was done before time of divine service, yett the same gave much scandall to the minister and parishioners then presente. There was present Mr. Crosbie, Robert Metcalfe, and some others. Duneinge and examine are sisters' children. Robert Binckes. — *William Parvin* of Foxton, par. Sigston, yeoman, aiged 33 yeares. Was not at the church when the pretended disturbance was done. As soone as examine came he heard thereof. Being then one of the churchwardens for that parish, uppon the relacon of Mr. Thomas Crosbie, parson there, did joyne with his felloe churchwardens in presenteing the same. *Willyam Parvin*. — *Thomas Judsonn* in Sigston, yeoman, aiged 36. Similiter. I. — Aug. 2. 10*l*. forfeited for nonappearance and certified. Oct. 25. 20*l*. forfeited and certified. (5 Martii, 1638. This fyne was mitigated by the commissioners for divers reasons.) 1637. May 16. Preferred a peticion by his proctor purporteing that he was called formerlie before his Majesties councell at Yorke, and there censured for the said misdemeanours. Dismissed upon payeing costes.

GEORGE SIMPSON of Ebchester, prisoner in the goale. Contempt of jurisdiction and sundrie misdemeanours. 1634. Apr. 1. Peticioned for his releasment. Granted, upon bond to appeare. Oct. 18. *Thomas Parkin* of Durham, yeoman, aiged 52. About a yeare agoe was a deputy messinger for serveing proces graunted by his Majesties Commissioners, and about the tyme aforesaid there was an attachment awarded against Thomas Sympton. Did apprehend him nere unto his father's house besides Ebchester. George Sympton, father to the said Thomas, was then present, and tooke holde of examine and pushed him with the great end of a goade he had in his hand. Called to the constable whoe came to examine to assist him. George caught holde of the constable and threw him to the ground, and soe Thomas the sonne escaped. None were present but the twoe Symptons, examine, and the constable. George was attached and remained in the messinger's [*sic*] for some litle space,

\* See the proceedings against him, 11 July, 1633.



but [how] he escaped thence examine cannot depose. Thomas P'kin. — Oct. 21. *Mathias Wrightson* of Ebchester, clerke, aiged 35. Hath knowen George Sympson from his infancy. Is curat of Ebchester. About 4 yeares agoe or more, he and the churchwardens did present George Sympson for his negligent comeing to the church, whereupon proces were awarded forth of Mr. Archdeacon's court of Durham, and published by examine, and after that came an excommunicacion against Sympson which he alsoe published and returned to Durham, since which examine beleeveth he hath stood excommunicate, in regard he never brought testimonialls of absolucion to examine, neyther did he since that tyme come in the church to heare divine service or receive the sacrament, saveing that on Sondaie the fift of this moneth, being a communion daie, Sympson came to the church. Tolde him that he could not receive him thither, unles he had brought a certifiat of his absolucion, whereupon he tolde examine that he had none, and soe departed. About a yeare agoe Thomas Parkin and Rowland Bayte, whoe was then constable of Ebchester, came to examine's house and tolde him that they did arreast Thomas Sympson, and that his father had rescued him, and Parkin shewed a peice of a leather doublet which he said he pulled from Thomas Sympson in there strugleing together. George Sympson did maintaine his sonne in his house till aboute halfe a yeare agoe, although the said Thomas stooode alsoe excommunicate. *Mathias Wrightson*. — Oct. 23. Bond of 50*l*. forfeited and certified. Dec. 11. Dead.

CUTHBERT WANN. For notorious adulterie. 1634. Ap. 1. Attachment. Apr. 29. In Yorkshire. May 14. Appeared. About 20 yeares agoe he did marry a wife whoe did soone after goe from him and live in the south partes. About foure yeares agoe Wanne was married to another whoe hath borne him a childe, the former wife being liveing. Remitted to Mr. Chancour to proceede against him. He shall enter bond not to come in the company of the woeman whom he last married, and to stand to Mr. Chancelours sentence.

JOHN RICHARDSON, of the cittie of Durham, Esqr.\* For

\* Solicitor-general to Bishops Matthew and James. Died 1640. He has occurred in page 2, as present when Mr. Gill, and his own clerk, Matthew Vase, served Dr. Cradock with process during the abbey service in 1627. There had been ill blood between Richardson and the Cradocks previously. In 1624, one of the charges against Dr. Cradock, in the House of Commons, was "a forged excommunication," as Mr. Richardson offereth to swear. On Dec. 22, in the following year, "Cradock and others" (probably the vicar's sons), about nine o'clock at night, went and

divers irreligious passages and behaviour in church. 1634. Ap. 1. Letters missive.\* Apr. 29. Sent a petition intimateinge that he was imployed in the Kinge's service. Respitted. To enter bond before 3 commissioners at Durham in 30*l*. to appeare next court. May 14. Appeared. Sworne to answeare articles exhibited by Mr. Sisson, proctor for the office, by which he was charged with disturbance of divine service on Palme Sondaie, beinge the Sondaie before Easter, 1634, and on the Friedaie then followinge, called Good Fridaie, as alsoe on Easter daie then after, by takeinge and writeinge the names of the communicantes, and demandinge and receiveinge monies of some of them, and by his talkeinge, laughinge, fleereinge and jeastinge amongst the people, and that in time of divine service and administracion of the Holie Communion, and dureinge all the time thereof when alsoe he himself did participate of that Blessed Sacrament, and that by reason of Mr. Richardson his noyse and disorder, the minister was forced to staie the blessinge or thanksgiveinge one quarter of an houre, albeit he sent to Mr. Richardson twice or thrice to wish him to desist therein. He shall enter bond to the court in 200*l*., with twoe subsidy men, to answeare the cause, which he hath done. May 31. Constituted Mr. Mathew his proctor. June 5. Hath answeared and absolutely denied the said great and heanous crimes and misdeameanours. Mr. Mathew petitioned that MR. JOHN HEATH<sup>b</sup> might in his owne name prosequite. Decreed

kept up such a rapping at the doors and lower windows of Mr. Richardson's house at Durham, as frightened his wife. When one Rangal went out of the house with a ruler in his hand, to see what the matter was, the assailants took his ruler from him and struck him therewith on the face, to the effusion of his blood, and afterwards kicked and spurned him, and, being gone from him, pursued him again and riottously assaulted and struck him, saying, "If he had not enough, he should have enough." For this offence three of the Cradocks were, in the Star Chamber, committed to the Fleet, fined 50*l*. apiece, and bound to their good behaviour a year, the party hurt being left to the law for his damages. (Rushworth.)

Mr. Richardson lived in the house in the Bailey at Durham, to which Dame Whittingham had removed many coffins, tombstones, and a holy-water stoup from the Abbey, to serve as pickling troughs, thresholds, and paving stones. In Richardson's time, "there came an old man, with comely grey hairs, to beg an alms; and, looking about him upon the tomb stones which lay in the court yard, said to the party that came to him, that whilst those stones were there, nothing would prosper about the house; and after, divers of his children and others died. So he caused them to be removed into the Abbey yard, where now they are. But, before the alms came to serve the man, he was gone, and never seen after. Which said house is since sold by Mr. John Richardson, his grandchild, to one Ambrose Myers." (Additions to Rites and Monuments of Durham. Surt. Society's edition.)

\* This cause is given much at length. It is more technically detailed than others in the original, for the obvious reason, that any objection would be taken by the clever defendant.

<sup>b</sup> Of Kepyer. He gave the churchyard to St. Mary-le-Bow church, and died in 1639.



accordinglie. [The cause henceforth stands on his promocion]. Compulsories against witnesses decreed. June 12. John Stevenson, gent., Henrie Brigges, gent., Jane Bell, Anne Softley, Elizabeth Dobsonn, Marie Trotter, Elizabeth Tyndaile, Elizabeth Hyndmers, and Ailice Chapman, spinsters, John Keeneleyside, and John Dereham, yeomen, as alsoe Henrie Smith, gent., William Smith, clerk, Anne the wife of Henrie Brigges, and Margaret Bawde, were sworne to undergoe there examinacions citra diem Veneris prox., Mr. Mathew protestinge, at whose petitionn the witnesses, exceptinge the five last recited, were sworne to depose upon certaine interrogatories ex parte Richardson.—*William Smith* of the cittie of Durham, clerke,<sup>a</sup> aiged 31. (Art. 4 and 5) Was at the parish church of North Bayley, and did administer the Holie Communion to divers of that parish.<sup>b</sup> Whilest examine was in administring the Sacrament, and dureinge all the time thereof, John Richardson did goe from one of the communicantes to another to inquire their names, and laughed and talked amongst them. By such meanes there was a confused noyse made, by reason whereof examine was disturbed in the destribucion of that Holie Sacrament. Upon Mr. Richardson's comeing nere unto him, examine spoake as followeth:—"Mr. Richardson, yow and I by this meanes shall meete by and by, and trouble one another." Mr. Richardson spoke allowde in the time of the said administracion unto examine, and said "I thinke yow will have done before me." (Art. 6) After examine had spoken as before deposed, Richardson removed to the other side of the chancell, and there continewd talkinge unto some of the communicantes in lowde manner, and laughing and jestinge amongst them. (Art. 7, 8, 9, 10.) Cannot depose otherwise then predisposed. (Art. 11).<sup>c</sup> Richardson was at the church, but cannot depose. (Art. 12.) Cannot depose otherwise than he hath predeposed.<sup>d</sup> (Art. 13.) Neyther Richardson nor Mathew Vasie<sup>e</sup> did that daie receive the communion at the handes of examine, though both of

<sup>a</sup> Curate of the church. From the Reformation to the Restoration there was no regular institution of a rector. The Easter dues are now received by the rector in his own right. The manse and garden of the ancient rectors are lost. In 1685 the church was reopened, "least the Papists should get possession of this empty church by some grant from the crown." Smith had obtained a subscription for re-building it, but after his time, there was no proper minister till 1685.

<sup>b</sup> This was Palm Sunday, 1634, as appears from recitals in the sentence, which see. It is a key to these examinations.

<sup>c</sup> Act 11 refers to Easter Day.

<sup>d</sup> Act 12 refers to Palm Sunday again.

<sup>e</sup> The coadjutor of Thomas Gill in his irreverent service of Dr. Cradock with process during divine service. See p. 2.

them were busied with takeinge the names of the communicantes and discourse. When the administracion of the Communion was ended, examine was forced to staie a prettie space before he and the communicantes together could saie the Lordes praier, and give thankes for receiueing of that Holie Sacrament, in regard of Mr. Richardson's his talkinge unto the people. (Art. 14.) On the daie articulate<sup>a</sup> did see Richardson come to the church and sit downe in his owne stall, after which, and before the administracion of the Sacrament, he did goe forth of his stall and placed himselfe in a stalle neere unto the font, and sent his boy Jackson unto divers of the communicantes. Thinketh the same was to inquire there names. John Richardson the younger,<sup>b</sup> his grandchild, was presente with him that daie, or the most part thereof. (Art. 15.) Mr. Henrie Smith, one of the churchwardens, did send unto Richardsson to will him (as examine supposed) to desist from his unseamelie course and disturbance, both of divine service and the Holie Sacrament. Richardson did not therein desist, but sent the boy called Jackson to and froe amongst the communicantes. Confesseth it to be true that examine spoake unto the boy in the heareing of Richardsson that he would have him punished for his disorder and runninge to and froe in time of divine service, whereunto Richardson answered "Well, well, they that are soe readie to finde fault with him, will not be soe readie to paie there Easter reckonings." (Art. 16.) Cannot depose. (Art. 17.) Richardson did not receive the Communion. (Art. 18.) Richardsson, upon the daie mencioned,<sup>c</sup> did communicate with divers others. Did then alsoe see the boy Jackson goeing up and downe from one to another in the church, and returned back to his master. Is perswaded that he was soe sent by Richardson to inquire there names, as formerlie he had done. Will: Smith, clerk.—*Cuthbert Pattison* of the North Baley, of the cittie of Durham, yeoman, aiged 55. (Art. 4.) Being parish clerke of the church, was presente, and attended the minister as was befittinge him. Mr. Richardson did in the time of the administeringe of the Holie Communion goe from one to another in the church, and required there names, and did put them downe in writeinge. Mathew Vasie and the boy Robert Jackson were present with him. (Art. 6.) Did heare Richardson talke amongst the younge people when he sett downe there names, and did see that he was laughinge and jeastinge amongst them at the time of the administracion of the Holie Sacrament,

<sup>a</sup> This was on the Good Friday following.

<sup>b</sup> Clerk of the Peace by patent, 1634, died 1683.

<sup>c</sup> Easter Day, 1634.



but for the particular woordes cannot depose, beinge attendinge his owne office in singinge a Psalme at that time. (Art. 8.) Did heare Richardsonn speake to Elizabeth Tendaile, and asked her whose servant she was and her name, and after she had acquainted him that she was servant unto Robert Kinge, and that her name was Tyndaile, Mr. Richardson in jeastinge and laughinge manner said "Had wee a Ridsdaile to this Tyndale, then Tyndale and Ridsdale should goe together." All which happend whilest the Communion was in administering, in the heareinge of examine and sundrie others whoe were nere unto Tyndale. (Art. 9, 10.) Did heare Richardsonn in the time of the Holy Communion aske the name of Mr. Henrie Briggess his servant, whoe tolde him that her name was Margaret Bawde. (Art. 11.) Did see Henrie Briggess sitting in Dr. Oyston's stall. (Art. 12.) Did heare a noyse which Richardson and Vasie made whilest the communion was in administering. (Art. 13.) The minister did staie the blessinge or thanksgiveinge a pretie space in regard Richardson was busied amongst the communicantes in takeinge there names. (Art. 14, 15.) Did see Richardson come to the church, and upon his goeing forth againe he came in the second time, accompanied with his graund-child, John Richardson, and did place himselfe in a seate in the lower end of the church, nere unto the font, [&c.] (Art. 16.) Richardson called once or twice unto examine to come unto him, but beinge attending his owne office did not goe. Is perswaded that divers people heard the same whoe were nere unto him, though he knows not there names, neyther doth remember whether the same happened in the time of administeringe the Communion or not. (Art. 18.) Did see Jacksonn goeing from one to another in the church and returned back to his master whoe still, uppon his comeinge to him, writt something downe in his booke, which he thinketh was the names of the communicantes. Cuthbart Pattson.—*Jaine Bell*, spinster, of South Bailey, late servant unto Geo. Barcroft, of the North Baiely, aiged 17. (Art. 4.) Did see Richardson with Vasie and a boy goeing among the people to know there names, and Richardson or Vasie writt them downe. Did see Richardson receive of Elizabeth Hutchinson some monie, was present with Hutchingson when she paied the monie, and did see Richardson chainge the same. (Art. 6.) Richardson, upon her relateing unto him whose servaunt she was, and that her name was Jaine Bell, he said "What! is your name Jaine Barcroft? hath George Barcroft a daughter as bigg as yow?" All which he spooke in smileing and jeasting manner in the time of the Holie Communion, after the destribucioun of the bread and before the receiveinge of the

wine. (Art. 12.) A litle before the beginninge of the communion, Richardson did in the church speake unto the woemenn that were there as followeth:—"Well, I will come downe amongst yow maides by and by, and by that meanes wee shall knowe the names of all the prettie wenches in this parish." All which he spoake in smileing and jeasting manner in the heareing of examine, Marie Trotter, Elizabeth Layton, Alice Chapman, and divers others. *Ad Interr. ex parte Jo. Richardson ministrat.* (Int. 1.) Is now servant unto Mr. Robert Pleasance. (Int. 2, 3.) Soone after the Sondaie mencioned in the articles aforesaid, Mr. John Heath came unto Georg Barkrofte's house, this examine's masters, and tolde her that he must have her and others to Awkland before my Lord for wittnesses, and spoke unto examine merrilie as followeth:—"How now, Jaine Barcroft, what can thou saie?" but examine did not give him anie further answeare, nyther did Mr. Heath require any further of her. (Int. 4, 5, 6.) Cannot depose. (Int. 7.) For one yeare and a quarter she lived in the North Bayley, and dureing the time by her predeposed, (3 or 4 yeares) hath known Mr. Richardsonn. (Int. 8, 9.) Satisfactum est.

\* Jaine Bell. — *Marie Trotter*, spinster, late servant unto Wilfrid Lambe of the North Baley, aiged 20. (Art. 4.) Did see Richardson, and with him Vasia, goe amongst the communicantes to enquire there names, which Vasia did then write downe. (Art. 6.) Did sit next unto Jaine Bell and did heare him aske Jaine whose servant she was and her name, whereupon she tolde him she was servant unto Georg Barkroft and her name was Jaine Bell, whereunto he replied, "What! is thy name Jaine Barcroft?" and she again told him her name was Jaine Bell; and he answered he thought she was Barkrofte's daughter and that her name was Jaine Barkroft. (Art. 9.) Richardson came unto examine and demaunded her name and whose servant she was. Tolde him her name was Marie Trotter and that she was servant to Wilfrid Lambe. He said that her master would paie for her. (Art. 12.) When praiers were ended, and the minister readie for the communion, Richardsonn did speake unto the young woemenn whose were drawing nere unto the communion table as followeth:—"Yow are a sort of prettie maides, I must be acquainted with yow and know all your names by and by." Whereunto Vasia answered, "I thinke there is not a maide amongst them all," which wordes Richardsonn spoke in laughing and jeasting manner. *Ad Interrogatoria.* (Int. 1.) Now is forth of service. (Int. 2.) Neyther Mr. Heath nor anie other for him did come to sollicit examine, neyther did she heare anie thinge thereof untill Mr. Raine the messinger did warne



her to appeare. (Int. 4, 5, 6.) Hath heard that Richardsonn and Heath were not freindes. (Int. 7.) For one yeare hath knowne Richardsonn, and for the same time hath lived within the North Bailey. |||. — *William Stobbart* of the North Bayley, Whitesmith, aiged 21. (Art. 4.) Did receive the Holie Communion. Richardsonn did goe amongst the communicantes from one to another. Vaseie and his grandchilde John Richard-sonn did goe with him. He demaunded the names, and his grandchilde received 2*d.* of examine for his oblacion in the presence of Richardsonn in the time of the Holie Communion. (Art. 6.) Thinketh that Richardsonn by his talkeinge occasioned alsoe the people to laugh. (Art. 13.) The minister was forced to staie the praier aboute halfe a quarter of an hour. Did heare Mr. Smith the minister aske Richardsonnn if he had done. Howbeit he did not desist therein untill he had ended, which was a little space after that againe. *Ad Interrogatoria.* (Int. 1.) Is free mann of the cyty of Durham. (Int. 5, 6.) Heard that Heath and Richardson are not kinde. (Int. 7.) Hath lived in North Baley for one yeare. M. — *John Keneleside* of the North Baley, yeoman, aiged 30. (Art. 4.) Did see Richardson receive some money of Margaret Short a communicant. (Art. 6.) Did see him laugh and fleere amongst the communicantes, which occasioned the people to laugh, and drew them from there devotionn. Could heardlie heare the minister what he said. Richardsonn continewed all the time of the Holie Communion and after in such manner. (Art. 13.) The minister was forced to staie for one half quarter, [&c.] Dureinge such time did heare the minister once or twice speake unto Richardsonn and did likewise heare him bid his clerk goe and praie Mr. Richardson to have done. *Ad Interrogatoria.* Is servant to Mr. Henrie Smith. Mr. Heath asked him if he were at church on Palme Sondaie, but did not aske anie wordes in particular. Did relate unto Mr. Heath the passages. Thinketh there are suites betwixt the parties. Hath lived in North Bayley for twoe yeares. John Kenleside. — *Anne Softley* of the North Baieliey, spinster, aiged 30. (Art. 6, 7.) Richardson asked her whose made she was, and what her name was, and whose servant. Tolde him her name was Anne Softlie, and servant unto Robert Clerk, vintiner. Richardsonn thereupon, in laughing and jeasting manner, said unto examine that she was a prettie soft taveren wench. Thinketh that her fellow servant Elizabeth Dobsonn did heare, in regard they satt together. *Ad Interrogatoria.* Is servant unto Robert Clerke. On the morrow after Palme Sondaie examine had occasion to goe unto Mr. Henrie Smith's house, and olde Mrs. Smith, after she knew

whose made she was, asked her what Mr. Richardson had said unto her the daie before. Related unto her as deposed. Did from thence goe unto Mr. John Heathe's where she had likewise occacionn, and the said Mrs. Smith did carrie her into a litle parlour where Mr. Heath was. Did relate what woordes she had heard and what passed. Was not solisated therein by Mr. Heath, but was wished by old Mrs. Smith to repeate what she had tolde unto her. There was nothing then put in writeing, nor anie other wordes then or since used unto examine, by Mr. Heath, or anie for him. Mr. Chancelour was with Mr. Heath when as she repeated unto him what she could saie as aforesaid. Haith lived in the North Baley for one yeare and some more. + — *Elizabeth Dobsonn*, spinster, servant unto Robert Clerk, of the cittie of Durham, vintiner, aiged 24. (Art. 5.) Did observe that when Mr. Smith the minister had the cupp in his hand, he did holde it a prettie space before he gave it forth, and the meane whilest did speake to Richardsonn. (Art. 6, 7.) Richardsonn first asked examine her name and whose servant she was, and after she had tolde him he said, "Yow are a taverene wench, I maie come to be acquainted with yow." And then he asked the name of her fellow servant whoe upponn her telleing him that her name was Anne Softley, and that she was alsoe servant to Robert Clerk, Richardsonn answered againe "Yow are indeede a good soft wench," in jeasting and smileinge manner. *Ad Interr.* Heath beinge one eveninge at her maister's house, asked examine what Richardsonn had said. Tolde him in the presence of Mr. Robert Kinge and a boy which liveth in her maister's house. There was not anie thing then put in writeinge. For foure yeares hath lived in the North Bayley. E. — *Elizabeth Tindale*, spinster, servant to Mr. Robert Kinge of the North Bayley, gent., aiged 24. (Art. 4.) Vasia and twoe boyes were with Richardsonn. Did see him receive of Margaret Short, whoe was then servant unto Mr. Geeres, 2*d.* for her oblacion. (Art. 5.) Mr. Smith held the cupp a litle space and asked Richardson if he had done. (Art. 6, 7, 8.) Richardson asked examine what her name was and whose servant she was. Tolde him her name was Elizabeth Tindale, and that she was servant unto Mr. Robert Kinge. Richardson replied, "Is thie name Tindale? Had we then a Ridsdell, yee would be well mett," in a laughing and jeasting manner, in the heareinge of Isabell Taylor and Margaret Bawde. *Ad Interr.* Did not heare anie thing untill Mr. Raine did warne her to appear. Hath lived in the North Baley nyne yeares. O — *Alice Chapman*, spinster, servant unto Thomas Williamson, liveinge neere unto the Pallace Greene, aiged 24.



Hath knowne Mr. Heath for 10 yeares. Hath lived in the North Baley since Martinmas. m. — *John Deareham* of the citty of Durham, tayler, aiged 25. (Art. 4.) Whielst the communion was in administeringe, the minister prepareing the communicantes thereunto, Richardson came unto examine and his brother (whoe were sett on there knees) and asked ther names, and required monie for there oblacions. Examine and his brother William Derham, did then paie him 4*d.*, viz., 2*d.* a peice for there oblacions, accordinge to his demaund. Another younge mann who satt with examine paid likewise 2*d.* Richardsson did goe thurrow the people. (Art. 12.) Heard him speakeinge of prettie maiedes. *Ad Interr.* Is an apprentice to Thomas Keenelyside. John Keeneleside one daie tolde examine that they must all goe before the High Commission, and wished examine to remember well what he had heard. For 12 yeares together lived in the North Bayley, and was there brought upp from his infancie. Theis 4 or 5 yeares hath lived in Framwellgaite. Whilest he lived in the North Bayley hath heard Mr. Richardsson well spokenn of for a good parishioner. I. — *Margaret Bawde*, spinster, servant to Henrie Brigges of the North Bayley, gent., aiged 23. (Art. 4.) Vase asked her name. (Art. 5. Did see Mr. Smith and Mr. Richardsson meete together (the said Mr. Smith haveinge the cupp in his hand), and they spoake the one to the other. (Art. 7.) After Anne Softley and Elizabeth Dobson had tolde Richardsson there names, and that they were servantes to Robert Clerke the vintiner, he said, "What? are yow taveren wenches, and I not acquainted with yow?" (Art. 10.) Whilest Vase was inquireinge her name, Richardsson stoode by and wished her to speake upp, saieinge, "Thou canst speake at home, I'll warrant the," and soe after she had tolde her name, Mr. Richardsson smiled. *Ad Interr.* Did not heare untill Mr. Raine did come. Hath lived in the North Bayley for 7 yeares. B. — *John Stevenson* of the cittie of Durham,\* Esqr. aiged 37. (Art. 11.) Henrie Brigges was in a seate or pue just before examine's seate, and a litle before the comunion did arise forth of the seate and goe unto Dr. Oyston's seate, which was next adjoyneinge to Mr. Richardson's seate. Richardsson turned him aboute and spoake unto Henrie. (Art. 18.) Examine beinge churchwardenn, called the boy and wished him to desire his master to forbear to trouble the communicantes anie further, dureinge the time of administringe the Holie Communion. The boy returned to his master but Richardsson desisted not,

\* *Qu.* if also of Byerside.

but sent the boy abroad againe. After the destribucionn of the bread, and forthwith after Richardsonn had received the same, he tooke a paper in his hand and stode upp in his seate, and leaned upon his pue, and sent the boy againe amongst the people. *Ad Interrog.* Did not heare anie thing untill Mr. Raine gave him notice. For the spaieth of 7 yeares, at severall times, hath lived in the North Baley. Richardson is accompted for a good parishioner. John Steuenson. — *Henry Briggs* of the North Bayley, gent., aiged 31. (Art. 11.) Removed from his owne seate or stall unto Dr. Oyston's seate or stall, and uppon his goeing into the seate, Mr. Richardson beinge in the next seate, stode upp and turned him aside, and spoake unto examine as followeth:—"Herrie, are yow comen hether to take phisicke?"<sup>a</sup> with an audible voyce, and in smileing and jeasting manner, when as the minister was beginninge to prepare the communicantes to receive the Holie Communion, examine beinge sett in the seate aforesaid to participate of that Blessed Sacrament. *Ad Interr.* Did not heare anie thinge untill he was called by compulsaries to appeare before the Commissioners. Heard that there was a suite in the Starr Chamber at London by the informacion of Mr. Heath, as examine thinketh, against Mr. Richardson. Hath lived in the North Bayley for 4 yeares. Richardson hath bene a verie good and orderly parishioner, and hath moved others to be lyberallie affected towards the repaireing<sup>b</sup> of St. Maries or Bow church in the North Baley, where he is parishioner, and hath bene verie bountifull to the poore of that parish. *Henr: Briggs.* — June 20. John Benson, gent., and Eliz. his wife sworne. — *John Benson* of the cittie of Durham, gent., aiged 50. Hath knowne Mr. Heath for 20 and Mr. Richardson for 30 yeares. (Art. 18.) Did see Mr. Richardson receive the Holie Communion, which was destributed unto him the first of all that daie. After he had received the bread, did see him send his boy Jacksonn unto the communicantes. Thinketh it was to know there names, in regard he received the Easter reckonings. Upon his returneing Mr. Richardson had a note in his hand and penn and inke, and writt somethinge. Richardson did the like after he had received the wine. *Ad Inter-*

<sup>a</sup> Mr. Surtees mentions this circumstance in his notice of the disturbances in question which, probably in consequence of the connection of the Heaths with St. Giles' church, he places by mistake in that edifice. He also states that Richardson "recommended an ancient lady to add a *flounce* unto her petticoate."

<sup>b</sup> Divine service was, as before stated, interrupted for many years before 1685. In 1637 the old bow or steeple fell, bringing with it much of the new. The subscription may be seen in Hutchinson, with Richardson's name for 10*l.*, but the troubles of the times seem to have prevented its application to the fabric.



rog. Did not know he should be called untill he was warned to appeare. Thinketh there is greate malice and hatred betwixt the parties, and that there are divers suites and controversies dependinge betwixt them. Hath heard Heath utter reproachfull speeches against Richardson. Hath, at severall times, lived in the North Bayley for 30 yeares. Alwaies conceived Richardson to be a good parishioner, and alwaies readie to doe good offices to the good of the church and parish. Jo. Benson. — *Elizabeth Bensonn*, wife of John Benson, of the cittie of Durham, gent., aiged 45. Hath knowne Heath from his infancie, and Richardson dureing her remembrance. (Art. 18.) Did se him send Jacksonn to and from amongst the people in the quire, and had a note in his hand, and came unto his maister againe 2 or 3 times, and alsoe Mr. Richardson had a paper. Elizabeth Benson. — *Henrie Smith* of the cittie of Durham, Esqr., aiged 25. (Art. 14.) Upon comeinge to the church did see Richardson goe into a seate or stall where usuallie he sitteth, and presentlie he arose and did go forth of the church. A prettie space after he came in againe to the church and John Richardson his grandchilde came with him, and he did sitt him downe in a stall or seate nere unto the font, and there, in tyme of Divine service, and before the communion, he did call some of the people to come unto him, which was to require there names, and to receive there Easter rekeninges as examine thinketh, in regard he did see some of the people whoe had bene with him shutt there purses. (Art. 15.) Being then churchwarden of the parish, and observeinge the disorder and disturbance which Richardsonn and the people made in talkeinge, when as they were to prepare themselves to receive the Holie Communion, this examine did send unto the people to bidd them be quiett and goe to there seates, or he would cause them to be presented. Some of the people thereupponn came to there seates, and Richardson and the rest continued there talkinge and disorder untill they had done. Did observe that Richardson, immediatelie after the endinge of praiers, went againe forth of the church, and came in againe in the time of the Holie Communion, and did sitt him downe in a seate neere unto the font, on the contrarie side where he satt before, but how longe he did there sitt, or what he then did, examine cannot depose, in regard he did not then see him, but was otherwise employed aboute his meditacion. (Art. 16.) Did well observe that when divine service was ended, Richardson, upon his goeinge forth as before deposed, examine did heare him talk when as he was without the church doore, and presentlie after came into the church dore, and there stooode with his back to the congregaciomm,

and talked in a lowde manner, with his hatt on his head, to the people that were in the streete; and he turneing him aboute, called "Cuddie!" meaneing, as examine conceived, the parish clerk, whoe is called Cuthbert Pattison, and did thereupon goe unto him, and then Richardson came into the church and satt him downe in the low end thereof as before he hath deposed, and sent the boy Jackson, as examine conceived, to observe what communicantes there were, the boie comeing upp to the steppes goeing up to the alter, turning his back of the alter to take a survey of the congregacion, and there stooode gazeing a good space. All which wordes and behaviour of Richardson was in the time of the communion, in the presence of divers of the communicantes, whoe he thinketh tooke offence to such his carriage. (Art. 17.) Beleveth Richardson did not the same daie receive the Holie Communion. (Art. 21.) Is brother-in-law to the partie producing him, tamen non curat [&c.] Henry Smyth. — June 26. Publication and copies decreed. Mr. Sisson, proctour for the partie promovent, exhibitted all his actes consisting in fact. Aug 8. Mr. Matthew proctour for Richardson exhibited an allegacion. Tearme assigned to prove the same. Nycholas Writer, Simond Hutchinson, Thomas Smirk, Thomas Stott, and Mathew Vase, sworne. Compulsaries against John Browne, James Watsonn, and Daniell Hudspeth. Mr. Mathew exhibited letters of sequestracion, under a publique and authenticke seale, with a copie thereof which he left apud acta curiæ. — *Mathias* [Mathew altered] *Vessey* of Upper Coniscliffe, gent., aiged 26.\* Hath knowne Richardson for 11 yeares, and Heath for 7 yeares. (Art. 1.) Beleveth that a great manie of the wittnesses are poore and meane persons, and worth verie small in there estates, though he cannot particulerlie distinguish the same. (Art. 2.) Hath heard and beleveth that the King's most excellent Majesty is owner of the rectorie and parsonaige, with all the profits thereunto belonging. Knoweth that Mr. Richardonn procured letters of sequestracion of the said rectorie parsonaige house, and other oblacions and dueties thereunto belonging, from his Highnes' Court of Exchequer, by vertue whereof he hath received and gathered all the tiethes and other oblacions, and paid the yereleie rent of 40% to his Majestie's use, in lew thereof. Beleveth that he hath paid, since his entrance there-

\* This age identifies him with the third son of John Vasey of Upper Conseliffe, gent. The descendants of his brother Christopher held the family estate until 1778, when a fatal mortgage was executed by Marshall Vesey, who had married Margaret, daughter of the well-known bookseller of Durham, Patrick Sanderson, and was himself a bookseller at Darlington, and afterwards at Newcastle.



unto, 4<sup>l</sup>. to the curat thereof. (Art. 4.) Examine, on Palme Sondaie last, received the Easter reckonings of divers communicantes there, and sometime and namelie in the chaplerie of Sct. Margaret's in Durham hath sene the Easter reckonings\* and other oblacions were received in time of the Holy Communion. Hath heard that the Easter reckonings are gathered in other churches within the dioces of Durham, after the same manner. (Art. 5.) On Palme Sondaie last, as before deposed, did assist Mr. Richardson in the takeinge of the names and receiveinge of such oblacions as were then paied by the communicantes. Both dureinge divine service as alsoe the administracion of the Holy Communion, Richardson did, in verie quiett and civill manner, demaund the names of the communicantes, without givinge offence by troublinge the communicantes, as examine conceived. If anie noyse were made, beleveth the same was occasioned by the communicantes whoe did not give answere at the first, soe as both examine and Richardson were forced to speake 2 or 3 times to divers of them before they could know there names, and whose servants they were, and whoe would be answereable for there oblacions. (Art. 6.) For 4 or 5 yeares together did serve Richardson as a clerke, and soe he knoweth that dureinge the time, as alsoe since, he was of a merrie, smileinge, and pleasant countenance in his ordinarie discourse at all times. (Art. 7.) Is not of kindred. Matthias Vessey. — *Nicholas Writer* of Crosgaite, within the suburbs of the cittie of Durham, gent., aied 50. Hath knowne Richardson for 40 yeares and above. (Art. 4.) For 40 yeares and dureinge all the time of his remembrance, hath knowne and seene the farmers, owners, and occupiers of the tiethes, oblacions, and other duties belonging to the chappell of Sct. Margarette's in Durham, have yearlie, at Easter time, and in the time both of divine service and receivinge the Communion, taken notice of the names of the communicantes, and received of them such oblacions as were accustomed. Was borne in the chaplerie. For 6 yeares last hath bene farmer of the tiethes and oblacions belonging to the chaplerie, and observed the custome in receiveinge his oblacions as his predecessors had done. (Art. 6.) Alwaies observed Richardson to be of a merrie disposicion and smileinge countenance, and such as are not well acquainted with him maie mistake him in his ordinarie discourse. *Nicho : Writer.* — *Thomas Stott* of Framwelgaite, within the suburbs of the cittie of Durham, yeoman, aied threscore yeares. (Art. 4.) Hath bene an inhabitant within the chaplerie of Saint Margaret's, in

\* These are now received by the incumbent of St. Margaret's in his own right.

Durham, for 40 yeares. For 6 yeares, now ended aboute tenn yeares agoe, was farmer there, and observed the like manner of collecting Easter reckninges. A — *Thomas Smirke* of Allertongaite, within the chappelry of Saint Margaret's, aiged threescore and eight. Hath knowne Richardson for 50 yeares. For 50 yeares hath bene an inhabitant within the chaplerie of St. Margaret's. At his comeinge into the parish, Mr. Richard Johnson was farmer of the tiethes and dueties. At Easter time and upon the communion daies Johnson tooke Easter reckninges of such people as received the Holie Communion, and there accompted with them, and delivered and received tokens of them as is used in other parishes, as examinate beleveth, which he soe did in time of service and administracion of the Holie Communion. Hath seene Mr. Richardsoonn divers yeares observe the like manner, and others since his time. M. — *Symond Hutchinson* of Framwelgaite, within the chaplerie of Saint Margaret's, aiged 72. (Art. 4.) For 50 yeares hath bene an inhabitant within the chaplerie, and aboute that time Mr. Richardson was then farmer of the tiethes [&c.] Hath seene him receive tokens of such as had them delivered, and required monie of others that had them not, whoe were straungers, which custome, after him, the farmers have observed and still doe. + [All the witnesses speak to Richardson's smileing countenance and pleasant discourse.] — Sep. 18. Richardson refused all further benefitt of prooffe. Publication decreed. Oct. 23. Allegacion offered on behalfe of Heath. Richardsoonn sworne to answeare it. Dec. 11. Hath answered. Edw. Harrison, clerke, Antho. Thompson and Georg Kirby, gent., Thomas Athy, Eliz. Smyth, widdow, Margaret Raine, wife to Nycho. Raine, sworne to proove the allegacion. Compulsaries contra testes. — *Thomas Athew*\* of the North Bailie, spurier, aiged 80. Hath lived in the North Bayley from his infance. For theis nyne yeares last hath received the communion at his owne house, in regard of his wive's infirmity and his owne, and soe hath not knowne the manner of receiveing of the oblacions [&c.] dureinge that time. For 30 yeares thentofore the Easter reckninges and other oblacions have beene gathered in the church eyther before praier or after the administracion of the Holie Communion, but not otherwise. Whether there be anie such custome, or whether it be observed in anie other parish, cannot depose. [A spur.] — *Elizabeth Smith* of North Bayley, widdow, aiged 64. Hath lived in the North Baliffe for 40 yeares. Dureinge that time the churchwardens of the parishe of Set.

\* Called Athy above.



Marie's, in the North Bayley, have yearelie at Easter, eyther before or in the beginninge of morneinge praier, gathered the oblacions and Easter reckeninges, and not otherwise, as she now remembreth, but whether there hath beene, or is, anie such use or custome as is articulate, or whether it be observed in anie other parish, cannot depose. E. S. — *Edward Herrison*, clerk, curat of the chappell of St. Margaret's, in the suburbs of the citty, aged 68. Hath bene curate for 6 yeares past and more. Duringe that tyme hath observed that the proctours<sup>a</sup> of the chappelrie have usuallie, at Easter yearlie, in the tyme of the administracion of the Holie Communion, come into the quier and speake to divers younge people there readie to receive the communion. What they spoke knoweth not. Thinketh it was to knowe their names, and whether they paied their recheninges but whether there bene or is anie such use cannot depose. Thinketh there nether is nor ought to be anie such custome, as is articulate, of writing the communicantes' names in the tyme of the administracion of the sacrament. *Edward Harrison*. — *Anthonye Thompson* of Crosgate, of the chappelrye, [&c.] aged 48. Hath bene an inhabitant within the chappelrie for 12 yeares past. *Richardson* sometymes himself in person as farmer of the rectorie of the said chappelrye, hath received the oblacions and Easter reckninges, and other some tymes his farmers have for his use received the same of the communicantes at Easter yearly, and in the tyme of divine service, upon the Palme Son-daies and Easter Daie (upon which daies the younge people doe usuallie receive the Holie Communion) have usuallie written and doe soe write downe the names of all the then communicantes not householders, and att the tyme of writinge there names dow deliver them tokens, which in the tyme of the administracion of the sacrament they have done and doe call for againe, to the end they may knowe whoe doe pay their Easter offeringes and whoe doe not, but whether the same hath bene used auncientlie, or whether it be a custome, or is observed in anie other parish, examine cannot depose. Is perswaded that if the farmer or his underfarmers could come by the names att anie other tyme then the verie tyme of the communion, they would not deferr it till that tyme. Hath divers tymes heard intimacion given publiquelie in the chappell to that effect, albeit it did not worke nor take effectt. The communicantes upon those daies are for the most part servantes and young people whoe doe usuallie goe to the communion and never repare to the proctors to reckon for or pay their oblacions, soe the

<sup>a</sup> That is, the churchwardens.

proctors must eyther looke for their reckninges in communion tyme or els loose them. Is verilie perswaded that nether is nor ought to be anie such custome, but the same hath bene necessitated onelie by the abuse of the communicantes. Anth: Thompson. — *Margaret Raine*, wife of Nicholas Raine of the North Bayley, gent., aged 45. For 4 or 5 yeares together now ended aboute a yeare agoe, examine lived with her husband for the most part thereof within the chaplerie of Sct. Margaret's. Dureing which time the proctors there, as namelie Nycholas Writer, hath usually at Easter received the oblacions of all such people as received the communion, both in time of praier and communion. Upon Easter daie gone thre yeares at Easter last, Writer, after she had received the bread, and before the distribucionn of the wine, beinge at her meditacion uponn her knees, came unto examine and tolde her she had not reckened, meaneinge that she had not paied her oblacion. Answered that her husband had satisfied for her the daie before. Howbeit he once or twice more urged it againe, and tolde her that if he had paied for that yeare, yet had he not for the last yeare. Answered, they were then at Londonn. He againe replied that if both her husband and she were at London, his houshold was there, and therefore he would be paied. After such conference intreated him to forbear his further speaches and trouble at that time in regard that the minister was comeinge nygh unto her to distribute the wine. By reason thereof was much disturbed in her devotion and meditacion. Writer did speake earnestlie to Robert Wilkinsonn, a smith, in the time of communion soe as Wilkinson, as examine beleveth, was [soe] disquieted and interrupted with his wordes that he arose upp and did goe up from that place. Thinketh that if there be anie such custome the same is verie unfittinge. Margret Ranye. — *George Kirkby* of the citty of Durham, gent., aiged 40. Hath bene a houseoulder within the North baley for 8 yeares past. At the Easter next after his comeing to be an householder was made churchwarden of that parish, in which yeare examine and his fellow churchwarden (as usuallie had bene thentofore) did gather the Easter reckeninges there, and did accompt for the same to the parish, and then examine and his fellow churchwarden tooke notes of all the servants which were communicants, to the end they might know whether anie were recusants or noncommunicants, though they received noe monie of anie of the servants, for the maister of everie familie did paie for themselves and servants. Never knew anie in that parish except the churchwardens gather the Easter reckeninges untill Mr. Richardsonn clamed title thereunto, which is now



aboute twoe yeares agoe. Was borne at Lanchester, where he hath seene that the servants of the proctour there, usuallie at Easter time, when servants came to communicate, give them tokens, but did not reckenn with them then or trouble them anie further untill the communion was ended, after which they repaired unto an usuall place appointed for that purpose, and there reckened. Geo. Kirkby. — 1635, Jan. 22. Compulsaries renewed at the petition of Mr. Sisson, proctor for Heath. Feb. 19. Heath, citra revocationem procuratoris sui produced to prove his allegacion William Smith and Richard Harrison. Publication decreed, salva examinacione dictorum testium. At the petition of the proctors on eyther syde, conclusion decreed in prox. — *Richard Harrison* of Framwelgaite, yeomann, aiged 56. For 40 yeares Richardson or underfarmers to him have received the tiethes, duties, and all Easter reckonings within the chaplerie of Sct. Margaret's. Some time about 16 or 20 yeares now gone hath seene Richardson at Easter time goe upp and downe amongst the communicants, and in time of receiving the Holie Communion receive of some communicants some monies, and take in certaine leade tokens (as the use of the parish is) from such as had formerlie by there maisters reckened and payed. Hath seene all whoe were underfarmors to Richardson since that tyme, namelie Thomas Stott, Nicholas Wryter, Raph Wilson, and others doe the like. Richard Harryson. — *William Smith* of the cittie of Durham, clerke, aiged 31. Mathew Vase, one of the wittnesses, was lately servant unto Mr. Richardson, and (examine thinketh) hath still a relacionn unto him. Beleveth that Nicholas Writer and Thomas Stott are favorites and well wishers unto Mr. Richardson, for Writter is or hath beene farmer of the tiethes within the chaplerie of Sct. Margaret's unto Richardson, and Stott hath beene the like. For eight yeares past was, as still is, curate of Sct. Maries in the North Baley. Untill Richardsonn pretended he had a right in the Rectorie, aboute twoe yeares agoe, the churchwardens did at Easter gather the oblacions and other reckonings. On everie communion daie, usuallie at Easter time, the churchwardens came to the church before praiers and received such oblacions and other reckonings as were accustomed and brought by the parishioners, but soe soone as praiers begune they alwaies dissisted. Did never see them goe amongst the people to demaund ther names, or to disturbe them in ther devotions untill Richardson came to receive the same. Will: Smith, cle: — Mar 19. Richardsonn humbly desired sentence. Decreed uponn the mocionn of Mr. Hutton, advocate, and beinge of counsell for the partie promovent, that

the cause should be publiclie informed in the presence of Mr. Richardonn and his proctour, beinge there readie and prepared for there defence. Thereuponn Mr. Huttonn did publiclie reede the breife and urged the prooffe on behalfe of Mr. Heath. It appeared by the deposicions that Richardson did on PALME SONDAIE, 1634, goe from one to another of the communicantes in the church and enquired there names, laughed and talked amongst them, and of some received moneys whilst they were sittinge on there knees readie to receive the Holie Sacrament, [&c.,] by meanes whereof the minister was disturbed in the distribucionn, and Richardson continewd his laughinge and talkeinge in loude and unseamelie manner, which alsoe occasioned the people to laugh and drew them from their devociions, and did discourse, laugh, and jeast, amongst the younge woe-menn, and called one of them "a prettie soft taverne wench," and in laughinge manner said to another wench called Tindale, "If wee had a Ridsdale to this Tindaile, then Tindaile and Ridsdale should goe together," which wordes and behaviour he soe used in the time when the communion was in administeringe. By reason of his noyse both the minister and communicantes were forced to staie the giveinge of thankes and blessinge for a prettie spaice, although both the minister spoake unto him and alsoe sent unto him to desist therein. He did alsoe on GOOD FRIEDAIE disturbe divine service by callinge and sendinge for the people to reckenn with him, although one of churchwardens sent unto him to wish him to desist his course and disturbance, and he called once or twice with an audible and loude voyse unto the parish clerk to come unto him, which alsoe gave offence to the people and communicantes in the church. Alsoe uponn EASTER DAIE, on which daie he himselfe did communicate, he did, with an audible voice and in jeastinge manner, speake unto Henrie Briggs, then alsoe a communicant, sittinge in Doctour Oystonn the phisicion's seate, as followeth, "Herrie, are yow come hether to take phisick?" and whilst the communion was in administring he sent his boy upp and downe amongst the communicantes, and uponn the boyes returneing had penn, inke, and paper in his hand and writt something, and that after he had received the bread and before the distribucion of the wine; all which was done in the presence of the whole congregacion, whoe tooke offenc thereat. There was not anie thinge materiall or concludent in law alledged to enervate the testimonies of the wittnesses or the state of the cause. His Lordshipp and the Commissioners, after mature deliberacionn and consultacionn amongst themselves, of the great and enormous crimes, offences, and misdemeanors of Richardonn, and the



greate offence and scandall given to all good and well affected people to religionn, which heard thereof, proceeded to give their diffinitive sentence. 1. He shall make a publique acknowledgment of his offence in the parish church of Sct. Marie's, where he gave the scandall, on twoe daies in time of the fullnes of the congregacionn there, accordinge to a schedule to be prescribed him for that purpose, testifyinge the manner thereof. 2. He shall be imprisoned and comitted to ward untill he shall have performed the submissionn aforesaid. 3. He shall stand excommunicate untill he have performed his submission. 4. He shall paie to his Majestie for a fine 200 markes. Lastlie, he was condemned in costes of suite to be taxed by one or moe of the said Commissioners, or others ther colleagues, as occacion shall require, and he is to certifie performaunce on or before Thursdaie 23 Apriell.\* — Apr. 23. Submission returned executed. May 28. Appearance to heare costs taxed respited. June 25. The like. July 30. In regard of Richardson his absence, the Commissioners referred the taxacion unto Mr. Richard Hunt, D.D., Deane, Fardinand Moorecroft, John Robsonn, and Wm. James, Commissioners, to be paid citra prox. Sep. 23. The taxacionn was respited till this daie. Referred by consent to the taxacion of the proctors on eyther side, vizt., Mr. Sisson and Mr. Mathew.

GILBERT BASNETT, husband of Marie Basnett, on her promotion. For alimonie. 1634. Ap. 29. Attachment. May 14. He shall take home his wife, and they shall live together as man and wife ought to doe, and pay costes, to be taxed by one or more of the Commissioners before next court. June 5. Respited.

ROBERT MERRYMAN. For a popish seducer. 1634. May 14. Letters missive. June 5. Peticioned that he might have some partie against him. Monicion against George Bainbrigg to prosecute. June 26. Bainbrigge appeared, and denied to prosecute. Merriman dismissed.

SAMUELL PARKER. For incest. 1634. May 14. Voluntarielie submitted. June 26. Charged to have committed incest and adulterie with Anne Featherston, his wife's naturall sister, within 2 or 3 yeares past, and since his intermarriage with Elizabeth, his now wife. Aug. 8. Had confessed the said de-

\* Mr. Surtees gives the sentence as above, but states that the submission was to be certified on Sep. 24. He is probably referring to a similar decree in the Consistory Court, as the fine in each case seems small.

teccion, and that Anne had borne one base childe unto him, begotten in such incestuous manner. To be committed to the gaole during pleasure; to make acknowledgment of his offence in the Chathedrall church, Wolsingham, and Stanhopp, in penitentiall manner; and paie to his Majesty 100*l.* fine and costs. Same day, released by his Lordshipp on enteringe in good bond to performe his pennance. Sep. 18. Certified. To enter bond not to frequent the company of the woeman, and thereupon to be dismissed. — ANNE FETHERSTONE. For incest. 1634. May 14. Attachment. June 26. Had fledd.

GEORGE CRAWFORD of par. Warkworth. Laieing violent handes on a minister. 1634. Aug. 8. Charged to have laide violent handes on Mr. John Heslehead, vicar of Warkworth,\* and offered him other disgraces in word and deede. Sep. 18. Had, by his answeares, denied the charge. Witnesses for the office sworne. Interrogatories exhibited on the other side. The clerke whoe pretended wronge, to enter bond to prosecute. — *Mathew Turner* of Warkworth, shomaker, aiged 23. On the morrow after Sct. Peter day, after Midsomer last, Nycholas Finch and William James were fishing in a boate on the river at Warkworth, which fishing belongeth to Sir Francis Brandling. George Crawford was with them. Came to the said fishermen to demaund tyethes of there fishes on the behalfe of the vicar. Crawford tolde him that he should not have any tieth there. Acquainted the vicar therewith. About a day or twoe after Mr. Heslehead himselfe came unto the water where the said fishermen and Crawford were, and after the parties had taken there nyne partes, Mr. Heslehead tooke his tieth for the fish, and alsoe for these which were taken the day before; but Crawford tooke the fish from him, and told him he should have none there, and whenas Mr. Heslehead held the same, Crawford struggled with him and threw him downe, and gave him two strookes on the face with his hand, which made his face bleede, and he shaked him by the beard, and he layde still upon his body untill the said Finch pulled him of. Upon his rising, Crawford gave him another strooke on his head, which made his hatt fall into the water. Was present thereat and did see the same, and William James, Nycholas Finch, and Cuthbert Heppell were alsoe present, and did or might have seene the like. *Ad Interrog.* Did for this yeare farme the tieth fish within the parish of Mr. Heslehead, and did receive the same in his right from the morrow after Midsomer daie unto the morrow after Saint Laurance daie. Beleeveeth the difference did

\* Ejected during the Great Rebellion. Restored 1660.



arise between Mr. Heslehead and George Crawford touchinge the tiethes of fish called the Satturdaie Troutes. Did see Mr. Heslehead take upp the leester graines<sup>a</sup> and throw them awaie, but whether they did light of Crawford, cannot depose. H. — *Guthbert Heppell* of Warkworth, yeoman, aiged 30. Hath knowne Mr. Heslehead for 10 yeares.<sup>b</sup> On Mondaie after Sct. Peter daie did goe with his master, Mr. Heslehead, unto the river. Mr. Heslehead demaunded tieth of the fish which they had taken that daie and the Satturdaie before. Crawford suffered him to take tiethes of the fishes taken that daie, but would not give him anie tiethes of the fishes takenn the daie before. Mr. Heslehead tooke up a fish for the tiethes unpaide, but Crawford in verie violent manner laide holde of him and tooke from him the fish and threw him downe and laide upon his bodie untill Finch did come and pull them asunder. With such his violence he did beate the skinn of Mr. Heslehead his face, and maide him bleede in twoe or 3 places, and when as they were taken asunder and on there feete, againe Crawford tooke him a stroake on the backside of his head which bett of his hatt into the water. Beleveth the said stroake occasioned his head to swell. A litle after the said struglinge Crawford tolde Mr. Heslehead that he was as good a man as he was and that he might have forborne him for his master's sake. — *Ad Interrog.* Is houshold servant unto Mr. Heslehead. Hath noe interest in the tiethes. Mr. Heslehead tooke upp the leester graines and threw them downe againe, but did not light of Crawford therewith, neyther doth he think he had anie such intendement soe to doe. || — On the promocion of JOHN HESLEHEAD, clerke. 1635. Feb. 19. Crawford personallie appeared et citra revocationem procuratoris sui offered a matter defensive. May 28. Heslehead hath answered the allegacion. July 30 Tearme probatorie to proove the allegacion is lapsed. Monicion to heare sentence. Sep. 23. Crawford was necessarilie hindredd in produceinge of his witnesses, and desired to be restored to his proove. Restored. Witnesses sworne in the presence of Mr. Sisson discenteing and exhibittinge interrogatories. — *Edmond Finch* of Warkworth, gent., aiged 60. Turner and Heppell are of noe great credit or estimation where they live. The one is houshold servaunt to Mr. Heslehead, and liveth on his wages. The other not worth 20s. debtles. Hath beene acquainted with the custome and manner of fishing called the Satterday Troutes, used within the parish of Warkworth for 40 yeares, and for the space aforesaid and

<sup>a</sup> The prongs of the trident which is used to strike the salmon.

<sup>b</sup> The other witnesses speak to 5, 6, and 7 years.

above hath knowen the vicars there. By all that tyme the owners or farmors of the fishing there have usually given to the fishermen some fishes called Satterday Troutes, which the vicars gave allowance of and never questioned untill Mr. Heslehead the now incumbent now questioneth the same. The difference happened amongst them touching the Satterday Troutes. Was present thereat with others. Aboute twoe yeares agoe, Turner was accused for the felonious takeinge of 3*l*. from widdow Lainge of Warkworth, for which he was brought before Sir Francis Brandlinge, knt., one of his Majestie's Justices of peace for Northumberland, but what was done further therein knoweth not. Aboute a yeare agoe Turner attempted to have ravished a younge woeman whoe was servant to Robert Garrard of Ambell, and is accompted to be a licencious fellow. When the matter was in difference betwixt the Vicar and Crawford, Mr. Heslehead came downe to the water side and demanded a troute for his tiethes of the troutes which was given to the fishermen, and Crawford intreated him to staie till his master came home. Heslehead refused, whoe said he would never goe of the ground till he had a troute for his tiethes, and tooke holde of the fish, and soe with struglinge they went both downe to the ground, and presentlie after they were sundered, whereupon Heslehead toke upp a paire of lester graines and threw them at Crawford, though indeede they did not light of his bodie but of his britches, and soe he escaped the daunger. Heslehead carried awaie the said tieth troute.—*Ad Interr.* Was not imployed for the takeinge or catchinge of the fish. Confesseth he hath a stipend from the lessees out of the fishing. Cometh at the onlie costes of Crawford and noe other, neyther was intreated by anie other soe to doe. Hath 15*l*. a yeare for his life his debtes paied, which he receiveth of Sr. Francis Brandling, knt., and Mr. Georg Wrey. Doth not beleive that anie such oath was made by examine as is interr. Edmond Fynch—*Nycholas Finch* of Warkworth, gent., aiged 32. Hath beene acquainted with the custome of tietheinge freshwater fish within the parish for 16 years last. Dureinge all that time the owners or farmers of the fishing each Friedaie at night, or Satturday, did give unto the fishermenn certaine troutes called Satterdaie Troutes, of which he beleeveth the vicars never had tiethes. Hath heard that the like custome was used in former vicars' times without question by the spaice of manie yeares together, as his father and others have related unto him. Turner was suspected to have feloniouslie gotten moneys from persons of that towne, as namelie widdow Lainge, Jane Dateie, and Anne Sainte, though never convicted for the said felonies. Hesle-



head tooke upp one of the fishes and did cast it by, whereuppon Crawford came and tooke it upp and then Heslehead did catch at it, and soe they fell a struglinge and did both fall downe. Presentlie they sundred and gott both upp againe and did fall together againe, and fall downe a second time, and in their riseinge upp examine conceived that both there noses bled. Did see the bloode, and both parties required him to beare witnes thereof. Heslehead attempted to have stricken at him againe with a paire of leester graines, and soe being held he threw the same forth of his hand but did not hurt him, and soe the dainger thereof was prevented.—*Ad Interrog.* Was and is imployed by Sir Francis Brandlinge and Mr. George Wrey for the catchinge of the fish, and hath 3s. 4d. a weeke and a Satterdaie Troute for his paines in the fishinge time. Cometh at the onlie cost of Crawford, though he was intreated by his master, Sir Francis Brandling, to depose the trueth, whoe wished him alsoe to come aboute this business. Is worth 20*l.* his debts paid. Doth not beleive that he ever made anie such oath as is interr. Nicholas Fynch.—1636. Ap. 28. There was noething material to enervate the testimonies of the witnesses or the staite of the cause saveinge some exceptions of infamy against the one of them, whose defect was supplied by Crawford his owne witnesses. To make publike acknowledgment of his wrong done unto Mr. Hesleheade in the parish church of Warkworth, on some Sondaie the forenone in time of Divine service, in his usual apparrell. Decreed excommunicate ipso facto. For divers reasons decreed that the costs should be equally paid by the parties.<sup>a</sup>—May 24. Crawford, by his proctour, returned a certificate, though not in authentique or legal manner.<sup>b</sup> He shall doe the same.—Oct. 25. Mr. Mathew alledging his infirmitie, forfeiture of bond for appearance staied. Costs taxed to 12*l.*—1637. Jan. 10. Comitt till he pay the costs. Satisfied the same. Finally dismissed. Bonds cancelled. Absolved from the excommunication.

JOHN FAIREBURNE, clerk. Makeinge clandestine marriages. 1634. Aug. 8. Confessed that he had made certaine clandestine marriages for Scottish people whose names he did not know, and humble submitted to mercie. In regard of his povertie, he shall enter bond not hereafter to offend in the like, and to appeare within 14 daies warneing. Done accordinglie.

<sup>a</sup> This and the light sentence are sufficiently significant of the opinion of the Commissioners respecting the vicar's exaction of tithe on the poor fishermen's Saturday trouts—their Sunday feast. The case is very interesting in connection with the history of the salmon fishery.

<sup>b</sup> Probably from an indisposition to ask Mr. Heslehead for the ordinary certificate.

GEORGE METHWEN, [curate of Bambrough,] clerk, on the promotion of JOHN THEW and others. For sundrie misdemeanours. 1634. Aug. 8. Letters missive. Thew entred bond to prosecute. Sep. 18. Sworne to answeare. Oct. 23. Hath answered. Compulsaries against Samuel Weddell, Rowland Weddell, George Foord, Peter Scott, Hugh Wilkinson, and John Bellingham, and the following witnesses sworne :—*John Conyers* of Tug-hill Hall, co. Northd., gent., aged 35. Hath known Thew and Methen for 3 yeares. About 28 July last was at Sunderland, par. Balmebrough, where divers others were at a merriement or play. Methen was there. Did observe he was in drinke, and soe did not medle with him ; howbeit Methen gave him some threatening speaches, and thereupon did strike a gunne forth of examine's handes which he leaned upon, and very uncivilly divers tymes bid him kisse [&c.] in the heareing of many wittnesses, and some of them reprooved him for his forwardnes therein, unto whom he answered he would doe as much to them. The evening followeing examine tooke his horse, and, in his rideing away, Methen came to him again, and intreated examine to lett his sonne ride home behinde him, whoe thereupon answered that both he and his sonne should ride if they pleased, but Methen refused the same, and tooke examine's horse by the tayle and held him thereby, and followed examine forth of the towne ; and in his way home, in very violent manner, did take holde of examine and pulled him from his horse to the ground, by meanes of which fall examine was much astonied and could not make any helpe to himself, and soe Methen did beat him with his handes, and tooke away his gunne from him and carried the same away. Divers times, and on sundry Sondaies and other daies, hath seene Methwen in the ayle house, drinkeing amongst other company, and hath seene him very merrie and much raised with drinke ; and within the parish where he liveth he is taken to be of that behaviour, and at such tymes he is addicted to quarrelling and fighting. *John Conyers*. — *John Shipperd* of Swinhoe, yeoman, aged 40. Hath knowne Thew from his infancie, and Mr. Methwen for 16 yeares. Aboute 4 yeares agoe there was a boy of Peter Scott's of Swinhoe, whoe had, and carried to the schoole, the olde communion booke which belonged to the church. Examine and others thought much thereat that Scott's sonne should have anie more to doe therewith then anie other of the parish ; whereupon they demaunded of Scott how he gott it, whoe said he bought it of Methwen, and gave him for it a keninge<sup>a</sup> of

<sup>a</sup> A keninge is half a bushel, and is still in common use.



beare worth 3s. 8d. Aboute twoe yeares agoe Methwen did alsoe sell a litle flaggin or quart pott unto John Thew his wife, being the partie producting him, for which he hath heard Jaine Thew confesse she paid him halfe a crowne. Aboute 2 or 3 yeares agoe the parishioners did buy a new Bible for the use of the church, and some of them were desireous to have borrowed the olde Bible to have redd on at home, but Methwen answered that they should not have it for it, belonged unto him, as some of his neighbours informed examine. The church bookes and flaggin pottes were kept by Methwen at his owne house, and the said flaggin pott was sometime by him lent into the towne, and namelie to this examine's wife, whoe had use thereof for measureinge and sellinge of drinke. At Easter gone twelve monethes at Easter last, examine did receive the Holie Communion, and Methwen, when he did distribute the wine, did holde the same in his owne hand and would not deliver it into examine's handes for to drinke, as he thinketh he ought to have done; for examine, in regard of his holdinge on it in that manner, could scarcely taste of the wine. Methwen did serve some others at that time in the like manner, whoe tooke offence thereat. Mr. Methwen tooke of examine 8s., and promised he would keepe his father's will unproved, and soe examine should be put to noe more charges therewith, and tolde examine that he had received the like sune of Robert Murton, for kepeinge his father's will unproved. Aboute Whitsontide last, beinge at the church on a Sondaie the forenone, a litle before praier, did heare Methwen require the churchwardens to put Jennett Bell forth of the church, without anie cause or authoritie as examine beleeveth. Methwen doth often stirr upp strife amongst his neighbours, and is addicted to quarrelling and feightinge, and doth boost thereof after he hath done it; for aboute Lammas last examine heard it reported in Newcastle that Mr. Methwenn had there reported how he used John Conyers, and that his face did beare his badge for a moneth. Examine and Thew married twoe sisters. John Shepheard. — Dec. 11. It appeared by the letters of Thew that Methen and he were agreed. The parties shall be monished sub poena 10*l*. each of them, to heare and undergoe the pleasure of his Lordshipp and commissioners. 1635. Jan. 22. The messinger had not executed the monicions, by reason of the unseasonableness of the weather. Feb. 19. The messinger laie sicke. Apr. 23. Thew showed himselfe willing and readie to prosecute. Methwen desired compulsaries. Granted. May 28. Thew againe certified that the cause was agreed, and desired that he might not be enjoyned to prosecute the same anie

further, notwithstanding which he was required to prosecute according to his bond. June 25. Thew produced to proove his articles, Samuel Weddell, Peter Scott, and George Foord, whoe were not sworne, in regard the commissioners were informed by Mr. Chancour that the partie were both poore and upon tearmes of agreement, and soe there agreement was approved, and the cause finally dismissed.

THOMAS MIDLETON. Adulterie and incest. 1634. Sep. 18. Attachment. Dec. 11. 20*l*. on intimacion forfeited for non-appearance, and certified. 1635. Jan. 22. Was fledd forth of the countrie. July 5. Warrant decreed sine die for his apprehension, when he could be mett withall. 1636. Aug. 2. Attachment de novo. 1637. Jan. 10. Notice left at Middleton his house. The court conceived it was most likely the same came to his knowledge. 10*l*. forfeited (5 Mar., 1638. This fyne released in regard of his poverty.) May 16. Charged to have committed incest and adultery with Mary Fenwicke, wife to Robert Fenwicke, and sister to Anthony Middleton, the said Thomas his father. June 20. Had confessed he had at severall times committed adulterie with the said Marie, being sister to his stepmother and wife to his father as aforesaid, and that he had begotten twoe base children of her, as she charged him, whilst Fenwicke her husband was in prison. To acknowledge his offence in the parish church of Hart, in his linnen apparrell, bare head and foute, on a Sundaie the forenoone in time of divine service, and the like at the markett cross in Durham, on some Satturdaie the afternoon, in the fulnes of the congregacion there assembled. To pay to his Majestie 40*l*. (5 Mar., 1638. Released in regard of the poverty of the partie). To stand committed untill he enters bond for the performance of his submission. July 18. It appeared by the informacion of Mr. Younge,<sup>a</sup> vicar of Hart, that Middleton had not performed his submission, whereupon letters missive decreed against Mr. Joseph Parkinson, curate of Hartlepoole,<sup>b</sup> and Thomas Turbott and William Armestronge, churchwardens there, to appeare to answere there contempt toucheing the returne and certifieing of the said submission. Sep. 19. Enjoyned to take forth the schedule of submission and to performe before next court. Mr. PARKINSON appeared, to whome it was objected that he and the churchwardens had made an untrue certificate toucheing the penance of Middleton, which he acknowledged, whereupon he was enjoyned by the

<sup>a</sup> Vicar, 1626. Buried at Hart, 1653.

<sup>b</sup> He does not occur in the ordinary lists of curates



court to make a declaracion thereof at such time as Midleton should performe his penance, and for the churchwardens they decreed they should be dismissed as formerly they had resolved to that purpose. Oct. 24. Midleton certified of the performance of his submission in the church. To be dismissed, payeing costes. Mr. Parkinson certified of his submission by Mr. Frissell, and dismissed. Dec. 5. Costes taxed against Midleton at 7*l.* 10*s.* 1638. Jan. 16. Appeared, and comitted to the custodie of the messinger untill he should pay. Mar. 6. Appeared not. Attachments at the petition of the messinger. May 8. Could not be found. June 12. Fyned 10*l.* on intimacion. July 10. The like. Aug. 16. The like. Sep. 18. The like. (30 Aug., 1639. All these fines remitted by reason of his poverty). Oct. 30. Had given satisfaccion to the officers for the fees taxed against him, and he durst not appeare by reason of arreastes and other daingers against him. Finally dismissed.

WILLIAM LIGHTBODIE. Notorious adultery. 1634. Sep. 18. Attachment. Oct. 23. Had fledd into Scotland.

RICHARD NEWHOUSE, gent.<sup>a</sup> Sundrie [pretended *inserted*] misdemeanors. 1634. Oct. 21. The commissioners [at a special court], for divers reasons to them best knowne, decreed letters missive. Oct. 23. William Porter, generall apparator for the dioces of Durham (appointed by the commissioners for the execution of the letters missive), made oath that he had showed them to his wife and others of his householde, but could not speake with Mr. Newhowse. The commissioners [did conceive that Mr. Newhouse did withdrawe himselfe to evade the course of justice, and thereupon they *erased*] decreed attachment. Dec. 11. Sworne to answear. 1635. Jan. 22. Hath answered. Petitionn, which purported that he had suddenn and urgent occacions which called him to be at Darnetonn that daie, and craved that his personall appearance might be excused, and his constitucionn of a proctour admitted. Appearance respitted. Notwithstanding upon the motionn and petitionn of the advocate and proctour for the office, constitucion of a proctour not admitted untill there might be perusall of his personall answares, and soe informacion if the same were full and accordinge to law. Feb. 19. Was at York upponn speciall and urgent occacions. Appearance respitted. Mar. 19. Officiu DUORUM COMMISSIONARIORUM contra Richardum Newhouse gen. Mr. Newhouse appeared, and desired his Lordship and the commis-

<sup>a</sup> Registry of the see, 1635, 1659. Died 1668.

sioners that the cause might be transferred to the examinacion and determinacion of the most Reverend Father in God, the Lord Archbishop of Yorke his Grace, and the rest of his Majestie's Commissioners for causes ecclesiasticall at Yorke. They unanimously consented, if it pleased his Grace and Commissioners there to take cognizance of the cause, and to proceede therein as it now dependeth. The said Reverend Father protested of his willingnes thereunto to free himselfe of the suspicioun of anie ondue proceedeinges or sinister course in that cause, in regard the same concerned himselfe, and the rather for that Mr. Newhouse, de facto, had formerlie protested against the said commissioners as incompetent judges, though, ad statim, he rescinded such his protestacion in that behalfe. Decreed that the proceedings should be transmitted to Yorke, and Mr. Newhouse released of his further attendance on this honorable court, if the cause be admitted there, accordinge to there requisicioun, otherwise it is to stand statu quo, and Mr. Newhouse is monished to attend this court, accordinge to his bond in that behalfe. May 15. Finallie dismissed. Certificate received that his Majestie's commissioners resiant in the dioces of Yorke had taken cognizance. Bond cancelled.

GAWIN RADCLIFFE, EDWARD LAWSONN, and JOHN BELL. Contempt of jurisdiction. 1634. Oct. 23. Attachment. 1635. Jan. 22. The messinger, by reason of the unseasonableness of the wether, could not gett the same executed. Feb. 19. The messinger laie sick. Ap. 22. Lawson dead. 20*l.* forfeited by Bell and Radcliffe and certified. June 25. 20*l.* forfeited by Bell and certified, the exequucion of the intimacion being certified by the minister. Notice left at Radcliffe's house. Attachments with intimacions renewed. Sep. 23. Each forfeited 10*l.* Oct. 21. The like. 1636. Mar. 9. The messinger could not gett into that part of the country for snowes. 1636. Ap. 28. 10*l.* each forfeited. Attachment decreed to the Sheriff. May 24. The Sheriff was away forth of the county, so it was respitted. 1637. Apr. 18. Notice left at Radcliffe his house. Conceived it was likely to come to his knowledge. 20*l.* forfeited by him. Attachments against him and Bell renewed, May 16. The like forfeiture and attachments. July 18. The like. Sep. 19. Bell's bond of 50*l.* returned. Forfeited. Oct. 24. Attachments sine die.

FRANCIS RADCLIFFE and GEORGE RADCLIFFE. The like. 1634. Oct. 23. Attachments.



WILLIAM SELBIE, Esq. The like. 1634. Oct. 23. Attachment. 1635. Jan. 22. Of noe certaine abode, nor likelie to be apprehended within anie limited time. June 25. Sworne to answere, and exhibitted answeares. July 30. It did appeare by them that Mr. Selbye had not received notice of the matter he was charged with, he then liveinge remote from the usuall place of his habitacion. Dismissed, yet enjoined to re-paire the porch in Allantonn church which concerned him and his predecessors, and to certifie hereof at or before Midsommer, and to paie costs. Monicion to the inhabitants of Allanton parish to re-paire the church and to laie a cessment for the doeing thereof.<sup>a</sup>

WILLIAM FENWICK, gent.<sup>b</sup> The like. 1634. Oct. 23. Could not be attached. Dec. 11. 40*l.* forfeited on intimacion, and certified. 1635. Jan. 22. 80*l.* forfeited and certified. May 28. 20*l.* forfeiture certified. June 25. The like. July 30. Cuthbert Fenwicke his sonne informed the Commissioners that his father was at London. Sep. 23. The messinger had beene at his house, where he understoode that Fenwicke was not in the countrie. Oct. 21. Gone forth of the iurisdiccion. 1637. June 20. New attachment. July 18. Diligently searched for, not found. Oct. 24. 40*l.* forfeited. Dec. 5. The like. 1638. Jan. 16. The like. Mar. 6. Fled forth of Northumberland.

CUTHBERT FENWICK, gent. The like. 1634. Oct. 23. Could not be attached. Dec. 11. 10*l.* forfeited and certified. 1635. 20*l.* forfeited. May 28. Brought in by the messinger, and by his proctor desired he might be remitted to the ordinary archidiaconall iurisdiccion. To enter bond to appeare next court. It was alledged that he was a schismaticall person<sup>c</sup> therefore enjoined to bring a certificat from the curat of Heddon of his conformity and duetyfull repaireing to his parish church in tyme of prayers and divyne service. July 30. Petitioned that he might be remitted. Remitted accordingly. Entered bond to stand to the order of Mr. Archdeacon and paid the fees. Oct. 5. Petitioned for the releasement of his fynes. Released for the causes specified in the petition. Dec. 2. Monicion to pay the costes renewed.

<sup>a</sup> His private baptisms occur hereafter.

<sup>b</sup> The head of the house of Fenwick seated at Heddon. Aged 30, 1615. Administration to his effects was granted at Doctors Commons, 26 Dec. 1649, to his daughter Elizabeth, and her husband Edmund Bedwell. Cuthbert Fenwick of the next case was his son and heir.

<sup>c</sup> An admirer of Mr. Glover of the next case, no doubt.

CORNELIUS GLOVER, clerk.\* Preachinge sedecious doctrine. 1634. Oct. 23. Attachment. Dec. 11. Sought for. Not found. 1635. Jan. 22. Of noe certaine abode, nor likelie to be apprehended.

WILLIAM SIMPSON. Exercisinge his ministry without anie lawfull ordinacionn. 1634. Oct. 23. Voluntarilie appeared. Bond to appeare. Dec. 11. 50*l.* forfeited. 1635. Jan. 22. Not found. Ap. 22. To bringe certificate of his ordinacion from Scotland, where he alledged he had the same at the first court after Midsomer. June 25. Brought a certificat which upon sight and perusal, was much suspected to be counterfeite. To bring an other certificat from Mr. Dury, vicar of Berwicke, for confirmacion, in prox. July 20. Appeared not. Sep. 23. Appeared. To bringe a lawfull and authentique certificate from the Presbeterie of Glascoe the second court daie. Dec. 2. Appeared not. Excommunicate.

MARGARET KNOX, wife of John Knox of Newcastle upon Tyne, on the promociion of GAWIN FORSTER of Newcastle, yeoman. Sundrie adulteries. 1634. Nov. 19. Attachment. Dec. 11. Sworne to answeare, after which (*salva responsione partis*) the following wittnesses were sworne:—*Elizabeth Vasie*, wife of Raph Vasie, of Hilton, co. Durham, aiged 30. Aboute a weeke before Michaelmas last, there came twoe persons to Raph Vasie's house at Hiltonn, a man and a woeman. Presentlie did knowe the mann beinge John Knox, but the woeman she had not seene before. Knox beinge asked if she were his wife, confessed that she was eyther his wife or els he had doone her wronge; and in regard his wife, as he calde her, was great with childe, desired she might staie at that house till she were delivered, which the said Vasie his wife refused; whereupon Knox carried her to the house of Elizabeth Thompsonn, where the same night she was delivered of a boy. Knox did fetch the midwife and tolde them in the house she was his wife. Aboute foure daies after her deliverance, Knox and his wife, as he called her, fell at difference aboute the childe, he alledginge it was not his; whereunto she replied, and wished him to take noe care, for it should not be trowblesome to him, after which they agreed againe. After her churchinge, Knox and the woeman went to Sct. Hellenn Awckland, and Knox, upon his comeinge back, tolde examine that they were seekeing Raph Taylor there, whoe was father to the childe, and he would have given 40*s.* to have light on him, and that the childe had noe other

\* The popular preacher at Heddon-on-the-Wall. Vide p. 8.



father, as his wife had related unto him ; which variaunce and wordes happenned in the presence of examine, John Thompsonn, and Elizabeth Thompsonn, and noe others. E. — *Catharine Gaineforth*, wife of John Gaineforth, of North Sheiles. aiged 26. Aboute Lammas last, Margaret Knox came from Sunderland to the Sheiles, and examine saith she came into her house. Asked her whoe was the father to the childe which she seamed to be with, and tolde her assuredelie she was with childe, whereunto she replied she had a good father for it, and said she would father it of Gawin Forster, whoe was able to maineteine both her and it. Upon examine's pressing her and moveinge her to beware what she did, she confessed unto her that indeede Forster had noe dealinge with her, howbeit, she would father it of him for his meanes. Aboute twoe dayes after examine did againe meete with her at the house of Cuthbert Wilsonn,<sup>a</sup> at North Sheiles, and she and others examineinge her againe whoe did begett the childe, she was in another minde, and tolde them that Richard Nelsonn, a fisherman,<sup>b</sup> did, and tooke a 12*d.* peice of money forth of her purse, and did sweare<sup>c</sup> that Nelsonn begott the childe, in presence of examine, John Gaineforth her husband, Cuthbert Wilsonn and his wife, and John Forster and his wife. Margaret Knox is reputed to be a lewed woemann, and had beene familier and kinde with some Fleminges, whoes names she remembreth not. + — *Cuthbert Wilsonn* of North Sheiles, aiged 34. C. — *John Forster* of the North Sheiles, yeoman, aiged 23. Was in Cuthbert Wilsonn's house, and did goe thither to speake with Margaret Knox, whoe he understood had slandered Gawin Forster. Margaret came to them, whom both examine and others advised her not to slander him, in regard they perswaded in there consciences that she had done him wrong. Howbeit, some of the companie whoe wished well to Gawin did of ther owne accord and without the knowledge of Gawin, as examine beleveth in his conscience, give her 40*s.*, to the end she should holde her tonge and never to use his name againe therein. After which the same daie Margaret Knox, beinge moved with some remorse of conscience, as examine beleveth, confessed [&c.] Is not of kindred, + — *John Gaineforth* of the North Sheiles, yeoman, aiged 30. Cuthbert Wilsonn's wife did give Margaret Knox

<sup>a</sup> Wilson was present at both interviews according to his deposition, and he and Gaineforth himself places them both at Gaineforth's house. John Forster agrees with Mrs. Gaineforth.

<sup>b</sup> Of Wearmouth, according to John Gaineforth.

<sup>c</sup> Upon the cross of the reverse. Wilson says—"She tooke forth a 12*d.* peice of money, and did sweare by the crosse of it."

40s. that she should noe more use Gawin's name, though without the privitie of the said Gawin, as examinate is perswaded. Did take a Fleming in the verie act of incontinecie with her at examinate's house at another time when she lodged there. — *John Heath*, Esq. [said to be sworne, but no deposition entered.] — Friday, Dec. 19. Before Ric. Hunt, Tho. Burwell, and Ferdinando Moorecroft, within the Deanery of Durham. The commissioners meeting upon the peticion of Margaret, tooke informacion in the cause. It appeared by her answeare and the testimonie of wittnesses, that she had committed severall adulteries with divers persons. To doe publike pennance in penitentiall habit at the markett crosse at Durham, on Satterdaie the 20th of the same, and the morrow following the forenoone in the cathedrall church, and the afternoone at Sct. Nycholas' church. 1635. Jan. 22. Certified and dismissed.

RAPH ATCHISON, on the promociion of MARGARET ATCHISON his wife. For alimony. 1635. Jan. 7. Attachment. Jan. 22. The commissioners, after manie grave admonicions given unto them, decreed, that they should goe home and cohabit together as mann and wife ought to doe.

JERRARD STOKOE and his wife. Clandestine marriage. 1635. Jan. 22. Attachment. Ap. 23. The messinger could not convenientlie repaire to the place where Stokoe lived before this daye. Attachment renewed. [No more proceedings.]

WILLIAM WILKINSON of Ovington, on the promociion of CUTHBERT SYMPSON. Notorious adulterie. 1635. Feb. 12. Attachment. May 28. Bond of 50*l.* for appearance forfeited and certified. June 25. Bond of 50*l.* for appearance forfeited. William Smyth the former bondsman petitioned to be released of his bond. It is respitted till he bring in Wilkinson. July 30. Fled. Bond formerlie entered by Smith cancelled and forfeiture thereof discharged. Sep. 23. 10*l.* on intimacion forfeited. Attachment against the said Sympson's wife. ELLENOR SYMPSON. Dec. 2. She sworne to answeare. 1636. Mar. 9. He confessed and both submitted. They shall make open submission and acknowledgment at the markett crosse in Newcastle, upon the Satterday, lineis vestibis, and twoe Sondaies in there owne parish church of Ovingham. Ap. 28. Wilkinson entered bond not to frequent her companie. 1637. Mar. 7. Bond of 50*l.* for appearance to paie costs forfeited. Not found. Attachment with intimacion sub poena 10*l.* renewed.



MARGARETT BREWHOUSE, on the promociion of CUTHBERT BAINEBRIGGE. The like. 1635. Feb. 19. Attachment. Mar. 19. Attachment not exequuted in regard of the death of the messenger. Ap. 23. Bond for appearance forfeited and certified. May 28. Had submitted to Mr. Chancelour. Shall personally appeare and submitt herselfe for her contempt, and after that to be dismissed if it soe seemed good to the commissioners. June 25. Appeared and remitted. Forfeiture retracted, she paying the fees.

RAPH HUNTLEY. Clandestine marriage. 1635. Ap. 23. Charged to have procured himselfe to be clandestinely and irregularly married, and his children to be privately and unlawfully baptized. May 28. By answeare had confessed that he was married to Frances, his now wife, in his owne house, by an olde man whoe he thinketh was a popish preist, and that since his marriage his wife hath borne him foure children, all which were baptized privately in his owne house, and not according to the lawes. Oct. 21. To be comitted to ward and imprisoned for one moneth now next following. Shall pay to his Majesty for a fyne 50*l*. Shall present his children to be baptized by a lawfull mynister, in the open church of the parish where they were borne, within one moneth now next comeing, according to the statute, and to certifie thereof at the next court. Nov. 18. In Domo capitulari, coram venerabilibus viris Richardo Hunt, Johanne Robson, et Willielmo James, Huntley released and entered bond to appeare. Dec. 2. Appeared, but did not certify. Comitted to the messinger untill he perform the decree. 1636. Mar. 9. To performe same in prox. Costes taxed to 4*l*. Ap. 28. Paied costs. Enjoined to certify. May 24. To certify in prox. Oct. 25. To bringe a certificate of the baptizeing from Mr. George Shawe, vicar of Pittington. Shall have libertie to present his children unto him after service time. 1637. Jan. 10. Brought certificate. Dismissed, payeing the costs. 1638. Mar. 5. The fine of 50*l*. mitigated to 3*l*., to be paied to William Porter, apparatour, which he paied accordingly.

RICHARD JACKSONN. The like. 1635. Apr. 23. Sworne to answeare. May 28. Hath aunsweared. 1636. Ap. 28. Messenger had beene at his house and left notice, yett could not speake with him. May 24. Appeared not, although he had notice both before the last court and since. Bond of 50*l*. forfeited (25 Oct. In regard that it appeared that he was at that tyme restrained by the sicknes of the plague, which raged much in

divers partes where he lived, the forfeiture was discharged.) June 21. Lived neere Newcastle. Respitted by reason of the infeccion there. 1637. Mar. 7. Shewed his supersedeas, whereupon his Lordship and the Commissioners, at the petition of Jackson, transacted the cause to the heareing and finall determination of Mr. Chancour, soe as he entered bond for performance of Mr. Chancour's order, and he is to certifie thereof in prox. and to pay the costes. Bondes released and he discharged from any more attendance. Upon an order made 10 Mar., 1637, by Mr. Chancour, accordeing to the tenour of his bond, the bond was cancelled and delivered to the party: the order remayneth with Richard Jackson.

HENRIE FAWDON. The like. 1635. Ap. 23. Sworne to answere. May 28. Hath answered. To conferre with Mr. William James, parson of Ryton, in pointes of religion, and to bring a certificat of the conference. Dec. 2. Allegacion admitted. 1636. May 10. Appeared before the Rev. Father, Mr. Chauncour, and Mr. James, and the cause was dismissed, and referred to the determinacion of Mr. Chancour. Entred bond to perform same and to pay costes, and soe by the direcccion of Mr. Chancour (being there presente), this was enacted. Ex relatione Domini Cancellarii. June 21. Satisfied the costes and is discharged.

BRIAN WALKER. For utteringe blasphemous woordes. 1635. Apr. 23. Charged with blasphemy against Almighty God in divulging that he beleaved not that there was eyther God or devill, and divers other blasphemous woordes. May 58. Had in his answeares absolutely denied the said crymes. Witnesses sworne. — *Henrie Sparke* of Bishopp Awckland, merchant, aiged 24. About 7 or 8 moneth agoe Walker happened to come to examine's house. After some conference, Walker, beinge distempered with drinke, did fall to curseing and sweareinge in a verie prophane and wicked manner. Reproved him, yet would he not desist, but continewed his exorbitant course. Amongst other ungodlie woordes, he did saie he did not beleive that there was eyther God or devill. Left Walker in his house, and would not staie with him in regard of his offensive behaviour. All which happened in the presence of examine and Ellenor Baielaie, examine's servant. Aboute the Easter Quarter Sessions, holden at Durham in this present year, was on behalfe of Thomas Allanson required to appeare at the Sessions to testifie his knowledge of what woordes he heard from Walker. Acquainted him that he was called to wittnes against



him, and repeated the woordes. He then answered that he did not saie so, but indeede he said that if anie would show him a devill he would beleive there was a God, otherwise he did not beleive it. Noone were presente at that time. Henry Sparke. — *John Allanson* of Bishopp Awckland, tanner, aiged 33. Hath knowne Walker for 20 yeares. Aboute March last, Walker in an eveninge happened to come into examinate's house, and after some discourse fell a cursinge and sweareinge. Thomas Allanson, examine's brother, rebuked him, and spooke merilie unto him that he might have kept some of theis oathes untill the next sessions to have helpt his brother with. Walker answered, "How good soever thie cause be, wee will outswear the," meaneinge, as examine conceived, his brothers and he whome before he had named: and further said unto Thomas Allanson, "Thou art but a sillie fellowe; wee (meaneinge as examine conceived his brothers and he) will distroie the, and make the spend thie whole estate." There was present this examine's wife. Confesseth Walker is his owne mother's brother. *John Allenson*. — *William Hutchinsson* of Bishopp Awckland, yeoman, aiged 30. Aboute the beginninge of Lent, gone twelve monethes in Lent last, happened to be in the house of Anthonie Eastgaite where other companie were present, as Thomas Allansonn and Eastgaite his wife. Walker happened to come in and did fall into conference and discourse with examine and Thomas Allanson, and from such discourse did fall to sweareinge and takeinge God's name in vaine, uttering manie detestable oathes. Allanson said, "Fie, mann, doe yow not feare God?" Walker answered, "I doe not beleive there is eyther God or devill, neyther will I beleive anie thinge but what I see." Aboute twoe yeares and a halfe now by gone, examine (in the house of Anthonie Welfott of Bishopp Awckland did heare Walker conferr and speake of the booke called Chawcer,<sup>a</sup> which booke he verie much commended, and said he did beleive the same as well as he did the Bible, or wordes to the same effect. There was present Anthonie Welfote. *William Hutcheson*. — *Thomas Allanson* of Bishopp Awckland, glover, aiged 30. Was in the house of John Allanson his brother Walker came in and did fall into discourse touchinge certane indictments which were preferred in the sessions at Durham by Ralph Walker against examine. Walker did fall to sweare, and tolde examine, "Thou art a sillie fellowe; wee will destroye the." Asked him whoe he ment of, and he said it

<sup>a</sup> This profane phrenzy of the besotted infidel is a curious evidence of the widely spread popularity of the great poet, less to be expected in such a quarter than the stories of Robin Hood. See p. 53.

was he and his bretherenn would doe it. Said that he hoped his cause was good and he could not doe it. Walker replied, "Be thie cause never soe good, wee will outswear the and make the spend all thie meanes." Walker is his mother's brother. Thomas Allanson. — Oct. 21. Matter of defence. Dec. 2. Witnesses to proove the same sworne. Upon their petitionn, the Commissioners decreed to every of them 2s. for his costes<sup>a</sup> to be paid by the defendant, whoe was monished to pay the same. — *John Machell* of Pitfeilds, co. Durham, gent., aged 60. Is perswaded that if John Allinson and Thomas Allinson be witnesses against Walker they are professed enimies unto him. About Whitsontide last chanced to bee in Darnton markett, and understandinge before of the differences betwixt Thomas Allinson and his brother, and Raiph Walker and his brothers, examine, wishing well to both parties, did of purpose goe unto Thomas Allinson and found him at his stall in the markett, and requested that he would referr all differences to some indifferent persons to compromitte. Thomas absolutely refused, saying, they would end it by law. Asked why he should trouble his uncle Bryan Walker, whoe he conceived had nothing to doe with his brother Raph Walker's proceedings. Thomas instantlie replied, "Let him thanke himselfe for counselling his brother Raiph to procure a prohibition in the suite betwixt me and his brother Raph; and further said they had beggered him and he would begg the law, but he would give them enough before hee and they had done, and soe wished examine not to medle any further therein, but leave them to themselves. Departed with this answeare. Is of kindred to both sides, but in what degree he knoweth not. *John Machell*. — *John Lax* of Westerton, yeoman, aged 44. There hath beene and yett is divers suites betwixt Raiph Walker and Thomas Allanson, as alsoe betwixt Bryan Walker and the said Thomas and some of his brethren. There is much malice betwixt the Walkers and the Allansons by reason of the manie suites. About Midsummer last happened to be in Richard Heaviside's house, in Bishopp Auckland, where he did meete with Henrie Sparke, one of the witnesses against Bryan in this cause. Being reasoning with him how he came to be a witsesse, and why he should discover anie thing amongst them before he was called upon his oath, Sparke answered that he was called on by Thomas Allanson to be deposed thereupon, or otherwise he would never have done it. *John Lax*. — *John Markendaile* the elder of the Ould Parke, co. Durham, gent., aged 60. A litle before Lam-

<sup>a</sup> The court was holden at Auckland. Three of the witnesses had been examined for the office.



mas last did casuallie meete with Thomas Allanson on the Palace Greene at Durham. Haveing beene in the sessions, and heard an informacion preferred against Bryan Walker, did say unto Thomas that he was sorye to heare of such unkindnes betwixt him and his freinds at Awckland, and marvailed to heare such an informacion against Bryan, who he had heard was alwayes ready to make peace betwixt his unckle Raiph and him. Thomas answered that indeede he conceived soe much; howbeit, of late he had found the contrarie, and that Bryan did partake with his brother against him. Is not of kindred. John Markindell. — *John Lockey* of Bishopp Awckland, glover, aged 40. Aboute the begining of summer last, Thomas Allanson came to examine's house, and upon some discourse betwixt examine and him concerning the informacion preferred against Bryan Walker, Thomas answered that if Bryan had not assisted his brother Raiph Walker against him, he would not have medled with him. Thinketh there was some people in his house. Knoweth not whether they heard the passages betwixt them. John Lockeye. — The said *John Allanson* and *Thomas Allanson* [sworn, but did not depose till April.] — *Henry Sparke* [sworn, but did not again depose.] — 1636. Mar. 9. Attachments against the parties not examined. — Apr. 8. The said *John Allanson*, aged 34. Wisheth noe hurt unto Bryan Walker, neither did ever beare anie malice unto him. Thinketh that the rest of the wittnesses against him in that cause are noe enemies unto him. Was never any secrett relator or informer, nor had any more to doe in that busines against him, saveing that he was cald as a wittnesse in this honorable court. Never gave anie such wordes, neither such informacion, as in the article is mencioned, otherwise then as before confessed when he was called thereunto. John Allenson. — The said *Thomas Allanson*, aged 31. The wittnesses are of good credit. Was never anie enemy to Bryan, nor combined with others to destroy him or to wittnesse against him, neither doth beleieve that any of the rest hath done the like. Never gave informacion against him to any of His Majestie's Commissioners. Confesseth he preferred an informacion at a Quarter Sessions lately holden at Durham against him for divers misdemeanours, in regard he conceived him to be a mann who had sought his ruyne by combineing with his brother Raph, and by that meanes did informe the court soe as his testimonie might either be taken away or els of lesse credit. After the sessions, the Right Honorable and Right Reverend Father in God, the now Lord Bishopp of Durham, mooved examinat to prosecute the cause against Brian in the High Commission, which he refused to do,

though, upon his Lordshipp's motion, he said that he would be willing to informe the proctor of the court of such persons as were necessarie wittnesses, and would proove what was alledged against him in the sessions ; which examine did. Never gave any informacion in any other manner then as before confessed. Thomas Allenson. — June 21. Nothing materiall was alledged to enervate the testimonies of the wittnesses. He shall acknowledge the blasphemy thre dayes at the markt crosse in Awckeland, and soe many tymes in the parish church there, more penitentiali. He shall be imprisoned for one yeare, and pay to his Majestie for a fyne the summe of 100*l*. Aug. 2. Certified submission. Released from his imprisonment untill Michaelmas next, entring bond then to returne againe and submitt himselfe and paieing costes. Oct. 25. Costes taxed to 9*l*. 10*s*. 1637. Jan. 10. Appeared not to pay. Attachment. Mar. 7. Appeared. To pay *citra* prox. May 16. Appeared not. Attachment.— (Note. 1638. Mar. 5. This fyne [the 100*l*] was, by his Lordshipp and Commissioners, mitigated to 10*l*., and ordered to be paid to the officers, which he did accordingly.)

CATHERINE MEABORNE of Pontupp, spinster.\* Contemptuous woordes. 1635. Ap. 23. Attachment not exequuted. June 25. Sought for. Not found. 1636. Ap. 28. Attachment had been awarded. Appeared upon her bond. Charged to be a recusant papist, and had not repaired to the church to heare divine service [&c.], as the same is now administred in the Church of England for divers yeares : and that, in contempt and scandall of the religion now established, she had abused the children of Tho. Hopper of Pontupp, and called them "heretickes and hell-ratchettes," they all being good Protestants. May 24. Hath by her answeare confessed herself to be a recusant, and had continued dureing the time articulate, but absolutely denied that she did speake as was articulate. Constituted Mr. Mathew her proctor. Oct. 25. Compulsaries had been decreed. Monicions against Richard Harrison and Robert Hopper to appear at the next court, upon paine of 10*l*. a peice. 1637. Jan. 10. They were sworne. — *Robert Hopper* of Pontup, yeoman, aiged 40. For 3 yeares gone at Sct. Hellenmas last hath lived at Pontupp. Hath not knowne Meaborne repare to the church, About 2 yeares agoe examine's children divers times would have complayned to examine that Meaborne had called them "heretickes and helratchetts." Upon a time, he being sitteing in his owne house, being a part of that house wherein the said Cath-

\* Youngest daughter of Anthony Meaburne of Pontop, gent., by Catherine Emerson. Her father died in 1614.



arine then and yet liveth, he did well heare her speake unto his children, and call them "heritickes and helratchets," and allthough he did not at that time see her, yet he could verie well discerne her by her voice. There was not anie present with him. Had a servant Ellinor, now married to William Ferry, whoe lived with him at that time, but whether she heard the woordes or not he cannot depose, saveing that about 2 years agoe she tould him that younge<sup>a</sup> Catherine Meaborne had misscalled his children, and tearmed them "hellhounds and hellratchets." Hath from his infancie beene brought up in the reeligione now established by law, and in that waie hath brought up his children and others whoe lived under his charge, and beleveth she spoke the wordes in contempt of the Protestant religion. — Mar. 4. *Richard Harrison*<sup>b</sup> of Frierside, co. Durham, gent., aiged 49. About 3 yeares agoe Robert Hopper being examine's tenant at Pontup, came sundrie times to examine and did complane and bemone himselfe that he and his family were abused by severall reprochfull words which Catharine spoke against his children, which words was theis, that they were "hellhounds and heritickes." Hopper is a Prodestant, and doth goe to the church and most of his family for anie thinge that this examine knoweth.<sup>c</sup> Examine married her brother's wife.<sup>d</sup> Rich: Harrison. — Mar. 7. Compulsaries had issued against Robert Hopper, junior, and Ellinor Ferrow. Hopper sworne. — Mar. 20. *Robert Hopper*, of Pontup, the younger, aiged 16. Hath knowne Catharine for 4 yeares. About twoe yeares agoe gone at Christenmas last, she haveing occacion to goe through the roome wherein his father lived, seemed discontent with examine and his brothers and sisters, being all little children (for what cause he knoweth not)<sup>e</sup>, and called them all "heretikes," and said, "what were they but a sorte of heretikes?" There was present Ellinor, now wife to Wm. Ferrie, and the children, and noe others. His father and he duely repare unto the church. + — Ap. 18. Publication decreed

<sup>a</sup> Her mother, Catherine Meaburne, was still alive.

<sup>b</sup> Second son of William Harrison of Byer moore, by Margery Rawe, a co-heiress of the Friarside estate, of which her portion was settled on Richard in 1611. He died in 1651.

<sup>c</sup> This examination reminds us of some of the worst of our early state trials, in which such means of multiplying evidence of a principal witness was unblushingly practised.

<sup>d</sup> Anne dau. and coh. of Thomas Smith of Walridge, gent., widow of John Meaburne, gent., was married to Harrison in 1631.

<sup>e</sup> The lad would not appreciate the bitterness of seeing an ancestral home apporportioned, and partly rented to a stranger, by the husband of "the jointured widow," who "long survived."

salva examacione Ellenoræ Ferrie. [1637. May 16. Attachments against WILLIAM LAWE and CATHERINE MEABORNE his wife for a clandestine marriage.) June 20. Ferry sworn. — July 4. *Ellenor Ferrey* of Kieo, par. Lanchester, aiged 35. Whilst she lived in the house of Robert Hopper, Catharine Meaburne for the most parte lived with her mother in another parte of that house. Hath oftentimes heard her speake in angrie manner unto Robert Hopper his children, but what the effect of such wordes were she cannot depose. Hopper did duly repare to the church, and since the departure out of her service hath seene him in the parish church of Lainchester.+ — Aug. 15. Cause assigned for sentence. [*In margine.* An attachment is awarded against William Lawe of Peeth and her.] Sep. 19. She appeared personally, and desired an end of the cause, whereupon (the court being ended) the Commissioners, with the assistance of Raph Hutton, M.A., being advocate for the office, and of Mr. Tobias Swinborne, B.A., being advocate for the defendant, took informacion. It appeared there was an error in the articles, wherein Thomas [Hopper] was named for Robert, and, upon the examinacion of wittnesses, it appeared she had spoken some angrie and unbesameing words unto Robert Hopper his children, in manner articulate, though the same were conceived not to be full and concludent in law. Therefor the Commissioners dismissed her finally concerneing the supposed words, but condemned her in costs of court. And for her recusancy, the Rev. Father propounded unto her conference that she might be informed in pointes of religion, unto which she willinglye yeilded and submitted herselfe in all obedience, whereupon she was enjoyned by the Commissioners to repaire twoe severall times unto Mr. Henrye Hutton, preacher of God's word att Witton Gilbert, whoe is prayed and required by this honorable court to conferre with her and use his best endeavours touching hir conformaty and certifie thereof in prox. Oct. 24. Appeared not to certifie under the hand of Mr. Hutton. Expected till the next court. On the motion of Mr. Swinburne, her advocate, her bond, entered formerly in that behalfe, was decreed to be discharged and cancelled.

EDWARD CARNABY, gent. Contempt of jurisdiction. 1635. Ap. 23. Attachment not exequuted. — For a clandestine marriage. Same day. Attachment. May 23. Could not be found. June 25. Mr. Chancclour informed the court that Carnaby was called before him and there dispatched. Released from further attendance, soe as he paid the costes. 1636. Mar. 9. Paied.



CUTHBERT COLLINGWOOD, gent.\* Contempt of jurisdiction. 1635. Ap. 23. Attachment had been decreed. Voluntarily appeared. — For a clandestine marriage. July 30. Exhibited his Majesty's letter patent under the great seal of England, bearing date at his Highness' coronation, by which it appeared that offence against him was freely pardoned. Released from further attendance, upon payment of the fees. Sep. 23. Appearance to pay, respited in prox.

ROBERT CRAMLINGTON. Contempt. 1635. Apr. 23. Attachment. Voluntarily appeared. — For a clandestine marriage. May 28. Mr. Cramlington sworn to answer. To repair unto Mr. Johnson, parson of Bothall, to confer with him in points of religion, and to bring a certificate under his hand of the conference. June 25. Had answered. Brought in a certificate of conference. 1636. Mar. 9. To propound matter defensive this day. For divers reasons, finally dismissed.

Mr. THOMAS JOINER (JENNER), clerk. Preaching sedicious doctrine. 1635. Ap. 23. Attachment. June 25. Fled from the place where he lived. He shall be no more entered, unless he returned.

MARMADUKE JACKSON. Clandestine marriage. 1635. Ap. 23. Attachment. 1636. Nov. 4. Hath been a married man, or so reputed, for about 8 years. Examination of the causes now depending, referred to the ordinary and final determination of Mr. Chancour, as was desired.

ARTHURE LEE. The like. 1635. Ap. 23. Attachment. May 28. To confer with Mr. Alvey in points of religion, and to enter bond and to certify of his conference, which bond he hath not yet entered into. July 30. Departed the place where he theretofore lived. Sep. 23. 10*l.* on intimation forfeited. Oct. 2. Had no certain place of abode. 1636. Mar. 9. Fledd away from Newcastle.

THOMAS HORSLEY. The like. 1635. Ap. 23. Attachment. May 28 To repair to Mr. Charles Oxley,<sup>b</sup> to confer with him

\* Cuthbert Collingwood, Esq., of Dalden, married 1. Mary, dau. of Nich. Girlington of Thurland Castle, Esq.; 2. (before 1620) Olive, dau. of Christopher Wyvill of Burton, Esq.; and 3. .... dau. of Mr. Hodshon of the Manor House, near Lanchester. He had a sister a nun at Ghent, and a son a Jesuit at Leige, and another a Benedictine monk in Westphalia.

<sup>b</sup> Vicar of Edlingham, 1627. He died in 1636.

in pointes of religion, and to certify. Entered bond. June 25. Appeared, but did not bring any certificat. Charged to have procured himselfe to be unlawfully married. July 30. Had confessed that he was married in an open feild. Dec. 2. Appeared not. Cause continued, in *secundum diem juridicum*, by reason of the winter tyme. 1637. Jan. 10. He shall publicly acknowledge his offence at the market crosse at Alnwick, in his usuall apparell, and pay 10*l.* fine to his Majestie. Mar. 7. Submission exequuted. Paied costs as moderated. Finally dismissed. 1638. Mar. 5. Fyne released, for divers reasons.

PHILLIPP WILSONN. Adultery. 1635. Ap. 23. Attachment. July 30. Not sought, by reason of distance. 1636. Ap. 28. Mr. Mathew, his proctor, informed his Lordshipp of his infirmity and obedience to law. Remitted back to the Archidiaconall jurisdiction, soe as Mr. Thorneton would enter bond.

JAMES HAROPP. Incest and adultery. 1635. Ap. 23. Attachment. May 28. Remitted to the ordinary jurisdiction where it lately depended.

RAPH HUTCHINSON. Adultery. 1635. Ap. 23. Attachment. July 30. Not sought, by reason of distance. 1636. Mar. 9. Messinger could not gett into that part of the country by reason of the snows. 1636. Ap. 28. Remitted backe to the Archidiaconall jurisdiction.

WILLIAM ROBSON. The like. 1635. Ap. 23. Attachment. July 30. Not sought, in regard of distance. Oct. 21. 10*l.* forfeited on intimation, and certified. Dec. 2. Sworne to answeare. Dec. 4. Peticioned to be remitted. Granted. 1636. Oct. 25. Attachment for costes.

WILLIAM ROBSON of Humshaugh. The like. 1635. Apr. 23. Attachment. May 28. Charged to have comitted adultery with Ellenour Milbourne. Confessed, and likewise confessed voluntarily that sithence he had comitted the like odious sinne with Isabell alias Beel Lambert, for which he likewise humbly submitted himself to censure, and confessed alsoe that eyther of the woemen had borne him a child begotten in adultery. June 25. To be imprisoned in the common goale dureing pleasure, and untill he shall have learned the catechisme. To performe a submission in penetentiall manner, once in Hexham church, another tyme in Symondburne church, and the third tyme at the mar-



kett crosse at Hexham. June 29. Released, entring bond for performance. July 30. Certificate of submission. Dismissed, soe as he paid costes, yet monished to bringe a certificate from Mr. Ridley, parson of Symondburne, the first court daie after Michaelmas, of the learneinge his catichisme.

JOHN RUTHERFOORD. The like. 1635. Ap. 23. Attachment. May 28. Bond of 50*l.* for appearance forfeited and certified. July 30. Henrie Thompsoonn, deputie messinger, could not finde him. Sep. 23. Bond of 50*l.* for appearance forfeited and certified. Oct. 21. 10*l.* on intimacion forfeited. Dec. 2. The like. 1636. Mar. 9. 30*l.* forfeited and certified. Ap. 28. One William Lawson made oath that he was then very sicke. May 24. Could not be apprehended. Attachment, with intimacion sub pœna, 30*l.* June 21. The deputy messinger made oath that he was hindered therein, by reason his horse was stolne. Aug. 2. It appeared, by the relacion of Mitford the messinger that he was dead.

WILLIAM SELBY,<sup>a</sup> JOHN RAMSEY, and THOMAS WREY. Clandestine marriages. 1635. Ap. 23. Letters missive had been awarded. Mr. Chancour alledged that they were called before him.

THOMAS FORSTER, Esq., on the promociion of ROBERT STEPHENSON, clerke.<sup>b</sup> Laieing violent hands of him. 1635. May 28. Attachment. June 25. Charged to have layde violent handes on Mr. Stephenson, and to have offered him other disgraces. July 30. Had answered that he neyther did nor offered him any violence or disgrace at all. Sep. 23. Witnesses sworne. — *William Carr* of Alnewicke, gent., aiged 38. Hath knowne Stevenson for 16 yeares. Examine and others were at the house of Anne Scot, widdow, in Alnewicke, and came thither after the weddinge of John Falder, clerke. Forster and Stevenson were drinkinge wine together. Forster did take tobaccoe, Mr. Stevenson then sittinge next unto him. Did not see Forster puffle anie in Stevenson's face, neyther offer him anie other violence or disgrace. There was some sharpe wordes amongst them, but what he cannot remember, whereupon examine and William Hunter caused Stevenson to depart the roome, least further offence might be given. The fourth and

<sup>a</sup> William Selby, Esq., is afterwards proceeded against for contempt of jurisdiction and private baptisms. And see a previous entry.

<sup>b</sup> See the proceedings against Robert Brandling, above, p. 65.

fift articles concern John Forster, brother to the said Thomas.<sup>a</sup> Thinketh Forster and examine are of kindred, but of what decree he knoweth not. William Carr. — *William Hunter* of Alnewicke, gent., aiged 39. Hath knowne Stevenson 20 yeares. Examine and others, after they came from the weddinge of Mr. Falder, came unto the house of Anne Scott, whoe kept a taveren in Alnewicke. William Hunter. — *John Robinson* of Alnewicke, aiged 50. Ther happened to be a weddinge betwixt one Mr. John Falder and Jaine Forster. Stevenson and Forster drunke together, and Forster tooke tobacchoe, soone after which Stevenson departed the roome. John Robinson. — *Henrie Smith* of Alnewicke, aiged 60. Hath knowne Forster for 20 yeares. Mr. Stevensonn married examine's sister's daughter, attamen non curat. H. S. — 1636. Ap. 28. It did not appeare that Forster did or offered any violence or disgrace. Absolved from all further trouble and attendance. The party promovent shall pay him his costes for his unjust vexacion. Aug. 2. Costes taxed to 3*l*. Monicion to Stephenson to pay. 1637. Jan. 10. Stephenson had notice. Appeared not. Respited. Mar. 7. The cause to continew statu quo in prox.

JOHN FORSTER, gent., on the promociion of ROBERT STEPHENSON, clerke. For the like. 1635. May 28. Attachment. June 25. Charged for laieing violent handes and abusing Mr. Stephenson. July 30. Had in his answere partlie confessed. Sep. 23. Witnesses sworne [descriptions and signatures as in the previous cause.] — *William Carr*. Mr. John Forster and Mr. Stevenson did sitt downe at the table with a purpose, as examine conceived, that they would have drunken quietly and peaceable together, but soone after they begann to utter some wordes, what the same were he knoweth not. Did see Forster strike Stevenson over the face with the backe of his hand, by meanes whereof Stevenson's nose or mouth did bleede. There was presente William Hunter, John Robinson, Henrie Smith, Cuthbert Smith, and divers others. — *William Hunter*. Stevenson beinge in the house of Anne Scott, came into the roome where Forster was, after which Forster daunced in the roome. After he had left dauncing, he did sitt downe with Mr. Stevenson [&c.] They were parted, and noe more happened after. — *John Robinson*. Aboute the time, in the third article mencioned [see Robinson's deposition in the previous case], Stevenson came into the roome againe, and Forster and he satt downe at table together [&c.] The company parted them. — *Henrie Smith*.

<sup>a</sup> See the next cause.



Stevenson and Forster sett downe, and a litle space after they were soe sett downe, examinate chanced to come into the roome, where he did see Mr. Stevenson's nose to bleede. — 1636. Apr. 28. Matter defensive. June 21. Tearme probatory ex parte Forster was respitted till this day. At the petition of both sides, conclusion decreed. Aug. 2. Nothing was proved to enervate the testimonie. Forster shall acknowledge the wrong before Mr. Thomas Faulder and Mr. John Faulder, clerkes, as alsoe Mr. Facy and the churchwardens of Alnewick. He shall pay to his Majestie for a fine 50*l*. He has incurred the sentence of excommunication ipso facto. He shall entere bond to performe the submission. Commission to Mr. Thomas Faulder to absolve him from the sentence, after he had soe stooode for 9 dayes after publicacion, if he desired the same. After which Forster departed befor he satisfied the same, and soe an attachment issued. Oct. 6. He was comitted to the custodie of the messinger till he enter bond, which daie the messinger informed that he had escaped. Warrant for his appearance. 1637. Jan. 10. Appeared. Enjoyned, according to the tenor of his bond, to take forth his submission [&c.] May 16. 10*l*. forfeited on an intimacion for non-appearance. (*Note.* 5 Mar. 1638. This fyne released, in regard he was a young man, and that another was lately certified against him.) July 18. Mr. Stephenson was dead.\* Cause respitted till it shal be revived. — JOHN FORSTER, on the promociion of MARY STEPHENSON, wife to the deceased Robert Stephenson. For not payeing the costes of court. 1638. Aug. 16. Monicion to heare the taxacion of costes and pay the same. 1639. July 23. Attachment renewed.

THOMAS BURLETSON, clerke,<sup>b</sup> on the promociion of HENRY WHITEHEADE of Thorpe Bulmer, in the countie of Northumberland [*sic*], gent. For sundrie misdeameanours. 1635. May 28. Letters missive, on the informacion of Whiteheade and others. June 25. Charged with drunknes from time to time, and that in the parish church, at such time as he should have redd prayers and performed other ministeriall offices in the church; as alsoe with converteing the surplisse into shirts and other prophane uses; and with other things. Whiteheade to enter bond to prosequute. Sep. 23. Hath answered, and denied the articles, or the most of them, wherein it concerned the accusacion of himselfe. 1656. Mar. 9. Witnesses sworne. — *William Burrell* of Seton House, par. Long Houghton, co.

\* His immediate successor does not occur in Randal's lists.

<sup>b</sup> Vicar of Longhoughton, 1617. Henry Lever succeeded on his death in 1640.

Northd., gent., aged 46. Hath knowne the parties for 30 yeres. Mr. Burletson hath beene vicar of Long Houghton for 20 yeres, and is noe preacher himselfe, as examine thinketh, in regard he never heard him preach at all. Hath lived in the parish for 7 yeres last, during all which time Mr. Burletson never procured anie to preach there, albeit they have had many sermons which the parishioners of themselves procured, and some times paid for the same, as namelie, to Mr. Stephenson, curat of Alnwick, whoe often came unto them when he could be spared from his owne cure. About 12 monethes now gone examine and divers others the parishioners were comen to the church upon a Sunday morneing, to heare divine service. Mr. Burletson (being newelie comen<sup>a</sup> from Alnwick,<sup>b</sup> as he confessed unto them) was soe overtaken with drinke, as he could scarce reade one true word. Howebeit, he did beginn and proceede to the reading of the service and both the lessons, and after endeavored to have reade an homilie,<sup>c</sup> but Mr. Whiteheade and examine and divers others, who were much offended to se him in that case, advised him to desist for that time, and to goe noe further therein, which he did. Hath severall times seene him in Alnwick, soe farr overtaken with drinke, that he could not well guide himselfe. For theis 2 yeres last past, and within these 13 weekes last, Mr. Burletson did never weere the surplisse, to examine's sight or knowledge, either when he did reade divine service or administer the Holie Communion. About before Easter last found fault with Burletson for not weareing the same, who answered it was at washing. Heard it crediblie reported that he did aske the bands of matrimonie with 2 severall weomen and on two severall Sondaies. Examine's wife is of kindred to Mr. Whitehead. W. B. Willm. Burwell his marke. — *Robert Adam* of Long Houghton, yeoman, aged 28. Mr. Burletson hath beene vicar of Long Houghton for 16 yeres or thereabouts. For 7 yeres last they have had sermons such as Mr. Whiteheade and others procured, and none els. Especiall within these 2 yeres last Mr. Burletson could not reade the service at the afternoone praiers, nor scarce utter any woord soe as the people might understand. Is perswaded that he was overtaken with drinke. On these daies hath seene him goe to the aile house after morning prayer, where he continued either in one or other till 3 of the clocke in the after-

<sup>a</sup> Comed *erased*.

<sup>b</sup> Where he had beene the daie before.—*Taylor's deposition*.

<sup>c</sup> After the reading of both the lessons, Mr. Whitehead and some others, being much offended, wished him to leave of, which he did.—*Taylor's deposition*.



noone, at which times he would have comen to the church, though he could not performe his office, but was forced oftentimes to leave the prayers unreads, or a part thereof. Many neighbours did see soe much, and were greatlie offended, whose names remembareth not. Aboute Whitsontide last the gentlemen, together with the churchwardens and other the parishioners, did call Burletson, and demaunded why he did not weare the surplisse. He answered that it was spoiled with inke, and then they wished him to let it be brought forth, and it should be amended, whereunto he confessed that it could not be had, for it was maide into shirtes. He then alsoe told them that he had given the booke to one for to exchange, though it proved otherwise upon examinacion. On a Sondaie about Set. Ellenmas last, heard Burletson publish the bannes of matrimonie betwixt him and a young woeman whoe was servaunt to Mrs. Gray of Braidforth. On the Friday before, being a holiday, Thomas Scott, examine's then and yet servaunt, tolde examine that Mr. Burletson that day<sup>a</sup> had asked himselfe in the churche (as he tearmed it) with Isabell Pottes, examine's servaunt. Robert Adames. — *William Tayler* of Long Houghton, yeoman, aged 36. Mr. Burletson hath beene vicar for 15 or 16 yeares. Hath heard Burletson confesse that he gave the homilie booke for to exchange with one of a better print, though, upon examinacion of the matter, it proved otherwise. Hath alsoe heard that the surplesse was converted into shirtes, which he thinketh was occacioned by Burletson, in regard he and his sone had the keepeing of it. Aboute St. Ellenmas last, on a Sondaie, examine hard Burletson aske himselfe in the church with a young woman, and heard that he did aske himselfe in the church soone after. Willm. Taylor. — Ap. 28. Tearme probatorie prorogued in prox. sub pœna carentiæ. — May 24. *Arthur Kellam* of the Firth House, nere Alnewicke, yea., aiged 33. Doth not now live in the parish of Houghton, yet knoweth that Burletson is noe preacher. Aboute thre yeares agoe lived and served Mr. Henrie Whitehead, and on a Sondaie the foorenoone [&c.] *Arthur Kellam*. — *William Shippard* of Long Houghton, yeoman, aiged 32. Burletson is noe preacher, neyther hath he heard that he procured anie sermons, or verie few, to be preached since he was vicar. Hath beene divers times in Alnewick upon the markt daies, where he hath seene Burletson goe staggering up and downe, and could scarcely stand without hould. Is induced to beleve that at such times

<sup>a</sup> It appears from Shippard's deposition that these banns were also asked on the Sunday after those with Mrs. Gray's servant.

he was overtakeinge with drinke, and not otherwise, in regard he is soe much addicted thereunto. Hath heard him saie that he delivered the Homilie Booke to one Phillipp Milborne, to be exchainged for one of a greater print. Heard him confesse to the churchwardens that he had converted the surpisse to his owne use, but to what use he did not particulerlie expresse. Did heare him, upon a Sondag after praier, publish the bannes of matrimony betwixt himselfe and Isabell Pott. Heard that the Sondag before he published the like betwixt himselfe and another woeman. William Shepheard. — 1637. Mar. 7. To propound matter defensive this daie. Renounced all benifitt of defence. Apr. 18. Bond for appearance forfeited. Came a litle after the court. Decree. retracted. Apr. 20. He shall be suspended ab officio beneficio et recepcione decimarum vicariæ de Long Houghton for three yeares. He shall make publike submission of his offence in the parish church of Houghton, in his ordinarie apparell. May 16. Submission duely exequuted by the minister for the time being and churchwardens. July 18. Burletson appeared, and the Commissioners, at the petition of Mr. Thomas Pearson, clerke, sequestrator of the tithes and fruites of the vicarage of Long Houghton, allotted unto him for his maintenance forth of the said tithes, 6*l*. 13*s*. 4*d*. per annum, and the rest to be and inure unto Mr. Pearson for serveing the cure, unless they shall se just cause to alter the same. Sep. 19. The taxation of costes was referred to Mr. Chancelour, and soe continewed in prox. 1639. Mar. 12. Petition by Mr. Burletson toucheing the explanacion of the order of 18 July, 1637. Explained that Mr. Pearson shall pay his Majestie's tenthes, and all other burthens and dueties besides the 6*l*. 13*s*. 4*d*.

THOMAS DAWSON. Clandestine marriage. 1635. June 25. Attachment. Dec. 2. In Yorkshire. 1636. Mar. 9. Sworne to answeare. Comitted to the handes of the messinger till he enter bond to undergoe the order of court therein. Ap. 28. The messinger of the court undertook his appearance in prox.

THOMAS HALL of Attercops. Adultery. 1635. June 25. Attachment. July 30. Remitted to the Archidiaconall Jurisdiction, soe as he entered bond and paied costes. Sep. 23. Monicion for costes, and, upon a new informacion, attachment. Dec. 2. Mr. Mathew, on behalfe of John Hall, informed the court that new articles were prepared against him. Sworne to answeare same. To enter bond, in the meane tyme comitted. 1636. Mar. 9. Respitted; the messinger to bring him in. Ap. 28. Not found. Attachment, with intimacion. — For contempt



of jurisdiction. 1636. May 24. An attachment decreed to the Sheriffe for his appearance this day. Sheriffe away forth of the county. 1637. Ap. 18. In the gaole at Morpeth. May 16. Had not lawfull notice. Attachment, with intimacion, renewed. — For notorious adultery. June 20. Notice left at his house. 10*l*. forfeited. July 18. 20*l*. declared to be forfeited, yet after the Commissioners retracted there decree therein and renewed the attachment with intimacion. Sep. 19. Sworne to answere. Oct. 24. Hath answered. 1638. Mar. 6. Bond of 50*l*. forfeited. Ap. 10. 20*l*. forfeited. May 8. Appeared. Sworne to answere articles toucheing his contempt. To enter bond to answere his contempt. As for his adultery, cause continewed statu quo. June 12. Appeared, and upon a full examinacion of the cause toucheing his supposed adulterie, it was conceived that he was not by lawe guilty or lyable to censure. Dismissed. And as toucheing the cause of contempt of jurisdiction moved against him, he was remitted to the ordinary jurisdiction where the contempt was made, and he to enter bond to stand to [&c.] and certifie [&c.] He shall paie 6*l*. 13*s*. 4*d*. for the costes in both the causes. June 15. Mr. Chancelor certified that Hall had discharged his contempt, and soe his bond was cancelled. — For not payeing the costes of court. 1639. Mar. 12. 10*l*. forfeited. July 23. Attachment renewed.

JOHN HARRISON. Clandestine marriage. 1635. June 25. Attachment. July 30. Not found. Sep. 23. Sworn to answere, and comitted untill bond. Oct. 21. The messenger informed that he escaped. Dec. 2. Fledd. 1636. June 21. Attachment renewed. Not to be entred, untill it please God to send Newcastle cleare of the infeccion. Aug. 2. Lived in Newcastle. The cause to remaine and continew statu quo untill the towne were clere of the sicknes.

GEORGE CHIPECHASE. On the promocion of his wife ELLENOR CHIPECHASE. Adultery. 1635. June 25. Attachment. Sep. 23. The messenger informed the Commissioners that Chipchase was a refractorie person, soe as he could not convenientlie apprehend him, whereupon attachment with intimacion decreed. Dec. 2. 20*l*. forfeited.<sup>a</sup> 1636. Ap. 28. Fled forth of the country.

<sup>a</sup> Same day, attachment issued on the promocion of Ellenor Chipchase against Wm. Foreman of Hurworth, Rob. Rombell of Darneton, and Jane Wormeley, spinster. the men for entertaining George, and the woman for adultery. On 9 Mar. following they were dismissed until Chipchase might be attached. Same proceedings against Thomas Thompson [Rector of Haughton], clerke, for divers misdemeanours.

1637. Ap. 18. Appeared. Ellenor, his wife, petitioned for alimony. He had deserted her for 6 or 7 years, and during that time had not afforded her any maintenance. They confessed in the face of the court that they were man and wife, and had so continued for 11 or 12 years thenbefore. He shall forthwith pay to Ellenor 6*l.* 13*s.* 4*d.* for the time she hath been from him and hereafter pay unto her the like sume of 6*l.* 13*s.* 4*d.* per annum, at the rate of 10*s.* 3*d.* for everie moneth after which manner he is enjoined to pay it. Sworne to answere, and committed till he should enter good bond to answere the cause and performe this order. May 16. Remaineth in gaole.

JOHN ERRINGTON. Contempt. 1635. June 25. Attachment. 1637. Mar. 7. One Robert Liddell made oath that the sicknes was at Ninwick, neere where Errington liveth. Ap. 18. Continued in regard of the sicknes. July 18. His sonne Raph made oath that his father was infirme and could. Forfeiture reserved untill next court. Sep. 19. Bond of 50*l.* forfeited. (Mar. 1638. Forfeiture released. The visitacion was nere the place where he lived at the time of the forfeitur.) Oct. 24. Not found. Dec. 5. 10*l.* forfeited. 1638. Mar. 6. Remitted. To enter bond and pay costes, till which he was committed. Ap. 10. Had escaped. May 8.<sup>a</sup> 10*l.* forfeited. June 12. Paid costes and bond accepted.

THOMAS STOCKE, clerke.<sup>b</sup> Divers misdemeanors. 1635. June 25. Attachment. Sep. 23. Peremptorie refused to undergoe his oath to answere the articles. Committed to the custodie of the messenger during pleasure. Oct. 21. The Reverend Father and Commissioners, ex *uberiori gratia*, advised him to undergoe his oath, which, as before, he peremptorily refused. Suspended from the execution of his ministerial office, and committed during pleasure untill he should performe the same. 1636. Ap. 28. Submitted and was sworne. Charged to have neglected his canonically duty in publishing proces of citacion and excommunication directed unto him from his ordinary and others having lawfull jurisdiction over him: and that he did publicly report that he did not knowe whether the Reverend Father, his honorable dyocesan, was Bishopp of Durham, or his Lordship's Chanclore, ecclesiastical judge of his consistory court: and did speake that the parish should fynde him a wench, and that he would tolerate any in his parish to begett a bastarde,

<sup>a</sup> Under this date there is another entry of a John Errington for contempt, who was reported to be dead. A distinct case against a John Errington for private baptisms will occur hereafter.

<sup>b</sup> Curate of St. Andrew's Auckland, 1624.



and did in very lascivious and unseemly manner, upon the markett day, kisse twoe severall woemen in the open congregacion. May 26. Hath confessed, though with some qualificacions, yet for the same did humbly submitt himselfe to censure. Remaineth in custody. To remain so, or enter bond. June 21. Upon deliberacion of the merittes of the cause, and the state and condicion of the delinquent, decreed that he shall publicquely acknowledg his misdemeanours on some Sondag the forenoone, in the parish church of Sct. Andrew Awckland, and be suspended from the exequucion of his mynistry dureing pleasure. Aug. 2. Certified submission, and dismiss. 1637. Jan. 10. Restored to the execution [&c.], and to preach in and about the city of Durham untill 7 March next. Mar. 7. Released finally from his suspension, yet he shall not preach nor exercise his ministry at Sct. Andrew Awckland church, nor within the countie of Durham.

PETER PEARSON and RICHARD HODGSON, both of Newcastle. Scandalous woordes. 1635. June 25. Attachments. July 30. Articles stating that Pearson the daie after Doctor Cosins had preached a sermon in Sct. Nicholas Church, in Newcastle, in Aprill or May, 1635, did meete with twoe who had beene at the sermon and after some conference with them touching the sermon, and how they liked it, Pearson replied, "Well, howsoever, my Lord of Canterburie and he (meaneing Doctor Cosins) are ours," by which it was urged and he charged that in regarde of his speeches, he being a recusant papist, he did meane of the Most Reverend Father in God, the Lord Arch Bishopp of Canterburie his grace, and Dr. Cosins, and that they were popishly addicted. Hodgson was charged as the said Peter was, for uttereing words which did scandalise the religion established in the church of England, as alsoe the Lord Arch Bishopp of Canterburie and Dr. Cosins meaneing alsoe that they were popishly affected. Sep. 23. Pearson had answered and denied unto his remembrance that he did ever speake anie such words as he is charged with, and if he did, neither did he ever speake them to anie such purpose or intent as is mencioned. Hodgson had alsoe answered and denied that ever he named or spoke of the Arch Bishopp of Canterburie or Dr. Cosins. Oct. 21. Wittnesses sworne. — *Edward Mann*,<sup>a</sup> of Newcastle, merchant, aiged 37. The daie after Dr. Cosin had preached a sermon in the parish church of Sct. Nicholas of Newcastle, examine,

<sup>a</sup> On July 27, letters missive were directed to him and Hallman for the same offence. On July 30, they were discharged until they should be called as witnesses.

Peter Pearson, Thomas Hallman, and Richard Hodgson, did casuallie meete in Newcastle, and did goe unto the house of Alice Coward, widdow. and there did drinke there morneinge draughts together. Pearson asked examine if he heard Dr. Cosins' sermon the daie before. Answered he did. Pearson further asked him how he liked his sermon. Answered that he liked his sermon verie well, and that Dr. Cosins taught verie substantiallie, in his opinion, soe as noe sober minde could take just exception att anie thinge he delivered in the said sermon. Pearson immediatelie replieinge, said, "Howsoever, my Lord of Canterburie and he are both ours." There was presente the parties abovesaid and noe others. Is perswaded that Pearson did meane the most worthie and Reverend Father the Lord Arch Bishopp of Canterburie his grace, and Dr. Cosins, in regard they were onelie named, and conceived that Pearson meant that my Lord of Canterbury and Dr. Cosins were popishly affected. Immediatelie after Pearson had ended his discourse, and had said that "My Lord of Canterburie and he are both ours," Hodgshon beganne and spoake unto examine as followeth, "Did yow observe Doctor Cosins his gesture in time of Divine service?" Examine answered he did a litle. Hodgshon then againe said "Doe yow know how they catch apes?" Answered, "Not well." Hodgshon replied "They first put on one part and then another part of there habit till they had putt on all, and soe they catch them." By reason of the discourse which examine had with Pearson, and Hodgshon his replyinge and secondinge the same as aforesaid, examine is induced to beleive that Hodgshon meant that the Protestantes were a catchinge or inclineinge to there popeish religion. Edward Man. — *Thomas Hallman* of Newcastle, gent., aiged 47 Thomas Hallman. — 1636. May 24. They are to propound matter and to prove the same this daie. Mr. Mathew, procter for them, alledged that in regard of the sicknes at Newcastle he could not send to his clients, nor satisfie the tearme, whereupon the Commissioners prorogued the same in prox. June 21. Continewd. Aug. 2. Continewd. Oct. 25. The cause is continewd untill it please God that the sicknes staie so as they may come without dainger. 1637. Jan 10. At the petition of Mr. Mathew assigned him to propound matter defensive in prox. Mar. 7. Renounced the benefit thereof and desired an end. The Commissioners decreed to respite the cause untill they should receive better informacion therein, and should forbear there personall appearance until they should receive notice. Apr. 20. Informacion taken in the cause against Pearson. His Lordshipp and Commissioners by way of re-



flection or interpretacion conceived that Pearson meant to scandal the religion established in the Church of England, as alsoe that most religious prelate the Lord Archbishopp of Canterburie his grace, and that the wordes could admitt noe other construccion or meaneing. He shall pay to his Majestie for a fine 1000 markes. He shall be imprisoned for one whole yeare. Informacion taken in the cause against Hodgson. It did not appeare by the deposicions that he soe did, nor could he be directly convinced of the accusacion, in regard there was noe full prooffe as was conceived therein. Absolved and dismissed from the cause, yet for divers reasones condemned in the costs of court, to be taxed [&c.] Monished that neither in the like or anie other conference he should give anie occacion or suspicion whereby any scandale might arise or be conceived. Dec. 5. Pearson petitioned for release of his longe imprisonment which he had endured. Released from all further attendance. His bond to be cancelled, he paying the costes of court, to be taxed [&c.] 1638. Mar. 5. This fyne mitigated to 3*l*. in regard of his long imprisonment and for other causes, and he to pay the same amongst the officers of court, which he did.\*

ROBERT CHILTON.<sup>b</sup> Contempt. 1635. July 30. Attachment. Sep. 22. Sworne to answere, and to be committed untill he enter bond to answere. Oct. 21. Had been committed. Appeared, and was monished and committed ut supra. Dec. 2. The messinger brought him in. Committ againe till he entred bond and exhibitted answeares accordingly, which he performed. 1636. Mar. 9. Bond of 50*l*. forfeited for nonappearance (5 Mar., 1638. This forfeiture was mitigated, for his house was shutt upp for feare of the visitacion, in regard he had lately comen from Newcastle, which at the tyme was sore infected.) Ap. 28. Remitted. Aug. 2. Paied costes.

ALEX. DUNE. Clandestine marriage. 1635. July 30. Attachment. Sep. 22. Petitioned to be remitted, but decreed to enter bond to answere, and sworne to answere articles. Oct. 21. Escaped. Dec. 2. Attachment renewed. 1636. Mar. 9. Sworne to answere articles, whereby he was charged to have

\* This follows the sentence of 20 Apr. 1637, as a note, and I hardly know whether it refers to the 1000 marks or to the usual order for costs which immediately precedes. It is rather a stretch of language to call the costs a fine. No taxation of them occurs, but as any three of the Commissioners might tax, it might be effected out of court. Hodgson's costs seem to have been so taxed, if they were exacted of him.

<sup>b</sup> See proceedings by a person of this name against Mr. Mason, a clergyman, hereafter.

procured himself to be unlawfullie married, and contrarie to the canons. Committed till he enter bond, and afterwarde, in givinge in his aunswere, he privately escaiped. Ap. 28. Confessed the charge, as alsoe the unlawfull baptizinge of his children. Shall acknowledge his offence therein at the markett crosse of Durham. 1637. Ap. 18. Attachment for not performeing the order of court. Oct. 24. Attachment sine die.

HENRIE TOWARD. For a suspected popishe seducer. 1635. July 30. Attachment. Oct. 21. 10*l*. forfeited on intimacion. Dec. 2. The like. 1636. Ap. 28. Sworne to answere. May 24. Is not to appeare anie more till further notice from this court, and is to pay costs. Aug. 2. Attachment for costes. Oct. 25. Appeared. For divers reasons dismissed.<sup>a</sup>

WILLIAM RIDLEY the elder of Willimanswicke,<sup>b</sup> on the promociion of ANNE RIDLEY, his wife. Adultery and liveing apart from her. 1635. Aug. 31. Letters missive. Sep. 23. Appeared in her presence. She to prepaire articles against next court. He entered bond to appeare from court daie to court daie. Oct. 21. She appeared not. Cause dismissed untill she should enter bond to prosecute, yet Mr. Ridley monished to forbear the companie and not cohabitt with Anne Morrilee, with whom he was dedected. 1636. Ap. 28. Anne Ridley preferred a petition against her husband, being present, for liveing professedly with Anne Morrale. He entered bond not to come in her company, and a warrant decreed against her. [See the next case.] 1637. Mar. 7. Mr. Frissell and William Wilkinson made oath that he a litle before that tyme did lodge one night in the house of Anne Morrile or her husband, whereupon attachment decreed. May 16. Diligently sought for. Not found. June 20. Notice left at his house. 50*l*. penalty of intimacion forfeited. July 18. The like. [5 Mar., 1638. This fyne released. (Sep. 19. Sought at such place where he used to frequent. 10*l*. forfeited. Michael Stokoe deposed that Mr. Ridley loadged in his father's house, where Ann Morrilee was. Monicion to shew cause why his bond in that behalfe should not be forfeited.) 5 Mar., 1638.

<sup>a</sup> John and Robert Toward, for contempt, in like manner dismissed.

<sup>b</sup> He married the daur. of Sir Richd. Musgrave of Norton, knt., by whom he had a son Musgrave, who was plundered as a royalist, and whose estates were ordered to be sold in 1662. They were purchased by another loyalist, Sir Francis Neville of Chevet. The representatives of the Ridleys of Willimoteswick are unknown, so thorough was their ruin. Hugh Ridley of Plennmellor was styled "Chief," in 1695, and John Ridley of Hexham was usually called "Chief Ridley," in 1774. From the expression "the elder," in this case, it seems probable that Musgrave Ridley had a younger brother named William.



This fyne released.) Oct. 24. Attachment sine die for his apprehension, when he could be mett withall.

ANNE MORRALEE, alias MARSHALL, on the promociion of ANNE RIDLEY. For adulterie. 1635. Sep. 23. Attachment. 1636. May 24. Mrs. Ridley informed the court that the house where she lived was in a rebellious manner kept with armed men, (John Ridley, senior, John Ridley, junior, William Ridley, and William Ridley, rebelles). Attachment to the Sheriffe. June 21. Attachment continued statu quo. (The office against JOHN RIDLEY, senior, JOHN RIDLEY, junior, WILLIAM RIDLEY, senior, and WILLIAM RIDLEY, junior, for resisting authority. Similiter. Oct. 25. They were fugitive persons, and could not be apprehended.) Aug. 2. Appeared. Charged amongst divers other thinges to have lived in notorious adultery with William Ridley, Esq., husband to the said Anne, and thereby to have drawne his affection from his wife, and that he lived apart from her with Morraley, and that of such there incontinent liveing there was public voyce, fame, and report within the parish of Haltwesle. Oct. 25. She had, in her answeares, taken upon oath in a qualyfyed sence, confessed the fame, yett absolutely denied the fact. Comitt till she enter good bond to answeare the cause against her. 1637. Mar. 7. Wittnesses sworne. Attachments against Geo. Blenkinsop, William Little, John David, John Ridley, and William Stokoe, who appeared not on monicion. — *John Raper* of Haltwesle, clerke, aiged 33. For 2 yeares last hath been curat at Haltwesle. Doth not remember that he hath seene Anne Marshall, alias Morrilee, in the parish church of Haltwestle, being the parish wherein she liveth. At Easter last she did not receive the Holy Communion within that parish, eyther at the handes of the vicar or curat, for that they both did goe (as usually every yeare they doe) to Beltingham chappell to administer the Holy Communion to such as are inhabitantes within that chaplery, being within the parish of Haltwesle. It was comonly reported that William Ridley did much frequent the house where Anne Marshall liveth, and by reason thereof it was much suspected [&c.] *John Raper*, 1636. — *William Barrasse* of Farrowsheile, par. Haltwesle, yeoman, aiged 30. Hath lived within the parish for 7 or 8 yeares, and for theis twoe yeares neare unto Whitesheales, wheare Ann Morrile liveth. For 1635 was one of the churchwardens for the parish. Ridley and Morrilee are much suspected. Beleeveth they were presented by the churchwardens next before them. — *Christofer Nevin* of par. Haltwesle, aiged 30. Was borne at the Steell, par. Haltwesle, where he hath lived ever since.

Hath not seene Moralee at anie church for theis twoe yeares. She did not receive the Holye Communion at Easter last, or anie other time. Was one of the churchwardens that yeare, and soe took notice.† — Mar. 8. *Thomas Greene* of par. Haltwesle, aiged 34. Was borne in Hensey Lordshipp, par. Haltwesle, and hath lived there for the most parte ever since.† — 1637. Apr. 18. *John Ridley* and *Wm. Stokoe*, by attachment, and *Humphrey Dacre*, clerke, and *Marie Barrowe*, voluntarily were sworne. — *Humfrey Dacre* of Haltwesle, clerke, aiged 27. For one yeare and more<sup>a</sup> hath beene and is vicar of Haltwesle. Hum: Dacre. — *William Stokoe* of White Chapple, co. Northd., gent., aiged 60. Hath knowne Morrile for 20 yeares. Since Lamas last hath divers times seene Ridley at White Sheales, where Morrile then lived. Of some or the most parte of theis times examine was the cause of his comeing to search forth some writeings which there laie and concerned this examine's wife, and without Mr. Ridley examine could not get them. Divers of theis times did se him goe away from Whitsheales before examine's comeing away, and sometimes he left him there, but how longe he stayed or whoe was in the house with him, cannot depose, yet alwaies when he came away he left some companie in the house. Heard that *Ann Marshall* had a bastarde childe before her marriage with her now husband, but being charged therewith, he heard her denie and sweare that she had not. Thinketh that of late she hath not frequented the church, in regarde of some warrantes and other contempts against her. *Ann Morrile* is examine's wife's sister. *William Stokoe*. — *Marie Barrowe* of Whit Chapple, aiged 21. At Martinmas last came to live with Morrile, where she hath continued ever since. Ridley since that time hath divers times comen to Whitsheales, where Ann then lived, and often lodged there all night, Anne being then in the same house herselfe. Hath not observed anie familiaritie betwixt them, yet hath seene her with a child in her armes goe into his chamber, but how long she hath staid cannot depose. There was a litle wench kept at the house of *William Little* at Morwood, reputed to be daughter of Morrile, begotten before her marriage. I. — *John Ridley* of Whitsheales, aiged 25. For one yeare lived in the honse at Whitseides, and served Mr. Ridley. J. R. — July 18. Matter of defence exhibitted. All benefit of prooffe thereof and further defence refused by Morilee's proctor, and conclusion decreed. Sep. 19. Upon readeing the deposicions, the Reverend Father and Commissioners conceived the fame to be

<sup>a</sup> Was vicar in 1633, according to the lists. Discharged from the cure by the Commissioners for the ministry.



very fully and substantially proved, and noething was urged by the counsel whereby to enervate the testimony. They proceeded to their sentence definitive touching the fame, and condemned her therein and in the costs of court. Further decreed, that concerning the fact, she should purge herselfe by the hands of twelve persons of good note and quality, being her neighbours whoe knew her life and conversacion, and had noe relacion unto her, which she was monished to bring in att the next court, and to be there herself, sub poena juris, to undergoe her said canonically purgacion. Oct. 24. She was great with childe, and not able to travaile. Dec. 5. She shall be monished to undergoe the purgacion in prox., and the monicion shall be published in the church contra oppositores. 1638. Mar. 5. Morriley did produce for her compurgators, Alexander Parker, John Wallis, John Barrowe, Nicholas Lewes, Nicholas Waugh, Robert Walker, and Mathew Short, in the presence of Ann Ridley, whoe, upon a monicion in that behalfe, opposed the purgacion, and upon such her opposicion and cause of challenge, there testimony and canonically purgacion was repelled, and everie of them saveing Alexander Parker and Nicholas Lewes, were conceived to be unfitting and inhable persons to undergoe the purgacion. On Mrs. Morriley's petition, new tearme assigned for purgacion by the handes of 8 good and credible persons, of her owne quality, at the next court, and to that purpose decreed to renew there monicion, which they required she should take forth before her departure from the towne, and pay to Mrs. Ridley for her costes for deley, which amounted unto 37s. 8d. Apr. 10. Morriley appeared, and in the presence of Ann Ridley, and produced for her compurgators, Thomas Errington, gent., Henry Dodd, Christopher Wilkinson, Edward Martison, James Bawhinny, William Ramshawe, Wm. Barrowe, and Gilbert Glenwright, yeomen. Morriley being sworne, did absolutely denie that ever William Ridley did comitt the crime of adulterie with her. And the compurgators did sweare they were perswaded in there consciences that she had deposed a truth. And whereas noething materiall was opposed against her purgacion, the Commissioners admitted thereof, and pronounced her to be canonically purged, and, soe far as by lawe they could, restored her to her former credit: howbeit, monished her that she should not frequent the companie of Ridley in any suspicious manner, or otherwise than in church, market, or other publique assemble, where six persons at the least, of good credit, may be presente to testifie of there behaviour, and to that purpose decreed she should enter bond, with good sureties in 100*l.* to his Majestie's use, and lastly decreed she should be condemned in costes of court, to be

taxed. Apr. 12. The counsell on both sides moved the Commissioners they would be pleased to explane a parte of there order made at there last session, viz., touching the costes of court. Whereupon, after deliberate examinacion thereof, they decreed that Morriley should pay costes to the other partie from the begining of the suite, untill the sentence thereof was pronounced for the fame. And after that, it was decreed that the said [Ann] Ridley should pay the costes to the other party in regarde of her purgacion, the taxacion whereof was referred to Mr. Chancelor and Mr. Robson, which they taxed. Morriley to pay 10*l*. and Ridley 6*l*., which either partie was to discharge to the other forthwith.

THOMAS ARMESTRONGE. Clandestine marriage. 1635. July 30. Attachment. Dec. 2. For contempt. Not found. 1637. Sep. 19. Bond for appearance returned. Appeared. Certificate of the minister and churchwardens there that he was not the Thomas Armestronge now apprehended. Dismissed.

WILLIAM ARMESTRONGE of Glenwhelt. Adulterie. The like proceedings. Pretended contempt. 1637. Dec. 5. Appeared, and alledged that there were dyvers of his name within the parish of Haltwesle, and that he did never knowe himselfe to stand excommunicate or in contempt of lawe, which allegacion was seconded by letters of Mr. Dacree, vicar there. And whereas, upon the informacion of Tristram Blenkinsopp, it was objected that he had lived dishonestly, which he denied, therefore he was finally dismissed, unless it may appeare that he is the person in contempt.

RICHARD ARMESTRONGE. Adulterie. Same proceedings. For contempt. 1635. Dec. 2. 10*l*. paine of intimacion forfeited. 1638. Dec. 4. Attachment sine die.

HUGH RIDLEY. Adultery. 1635. July 30. Attachment.

EDWARD RAISEBECK. Clandestine marriage. 1635. July 30. Attachment. Sep. 23. To conferre with Mr. Hunt,<sup>a</sup> curate of Chester, touching certaine pointes of religion, and certifie. Oct. 21. Mr. Lampton, curat of Tanfeild,<sup>b</sup> certified of his repaireing to the church. To continue his course therein, and to make his acknowledgment juxta statutum. To certify under the handes of Mr. Hunt, his due repaireing to the church, and

<sup>a</sup> "Robert Hunter occ. par. reg. 1631."—Hutchinson.

<sup>b</sup> Not in the lists.



receiueing the Communion. 1636. Mar. 9. Againe enjoined to extract the said order and certify performance. May 24. Certified and dismissed, paieing costs.

RICHARD TODD. Clandestine marriage. 1635. July 30. Attachment. Sep. 23. To bringe his wife to conferr with the abovenamed Mr. Hunt, and to disswaide her from the popeishe religionn. Oct. 21. Found not his wife willing thereunto. To bring her in the next court. Dec. 2. Brought his wife, whoe was enjoined to conferre with Mr. Hunt and certifie. 1636. Mar. 9. He appeared, and is monished to use his best endeavour therein. Ap. 28. Showed his diligence therein, and is to certifie of the same. May 24. Enjoined as aforesaid. Aug. 2. To take a booke (some praiier bookes), agreeable to the tenentes of the Church of England, and to read to her and instruct her therein. Oct. 25. Had used all his diligence and best indeavours to informe his wife as he was enjoined, though he could not satisfie or prevaile with her. For diuers reasons, especially in regard of his diligence, dismissed, paieing costes.

FRANCIS LIDDLE.<sup>a</sup> Clandestine marriage. 1635. July 30. Attachment.

JOHN SIMPSON. For a Popish seducer. 1635. Sep. 23. Attachment. Oct. 21. To repaire to Mr. Alvey and conferre and certifie. Dec. 2. Brought a certificat from Mr. Alvey the vicar there, that he had beene at the church. To certifie thereof againe. 1636. Mar. 9. Appeared not. Attachment. June 21. Renewed.

WILLIAM WILSON. Similiter in omnibus.

GEORGE SWINBURNE. For the like. 1635. Sep. 23. Attachment. Dec. 2. Refused to take his oath to aunsweare the articles. Committed till he submitt to law therein. 1636. Jan. 20. Released untill the next court. Mar. 9. Sworne. Ap. 28. Finally dismissed. The Commissioners conceived that he was wronged in the accusation. To paie costes. June 21. Monicion to pay costes renewed.

RICHARD OURD. Adulterie and prophanacion. 1635. Sep. 23. Attachment. 1637. Sep. 19. Robert Mitford the deputie messinger had found him in the open feilds, and endeavored

<sup>a</sup> Francis Liddell of Redheugh had been married at Denton, 30 Aug., 1632, to Elizabeth Tonge. I question his identity with Francis of the text.

to have attached him, but was resisted before he could ly hands on him, whereupon an attachment with intimacion decreed, and Mr. Swinhoe intreated to gett the same executed. Oct. 24. 20*l*. forfeited. Warrant to Mr. Justice Swinhoe. Dec. 5. 50*l*. forfeited. 1638. Ap. 10. The like. May 8. The like. July 10. The like. Sep. 18. The like. Oct. 30. James Scott of Norham, preferred an informacion that by vertue of a warrant from this Honorable Court, and of another from Mr. Gilbert Swinhoe, Esqr. he did attach Ourd at Norham, whoe in violent manner was rescued from him by the said Ourd his brothers, and some Scottishmen and others. 50*l*. forfeited. Dec. 4. The like.

ADAM BONTON. Abuseing the mynister. 1635. Sep. 23. Attachment. 1636. Oct. 25. Dead.

WILLIAM MITTON, clerke, on the promocion of WILLIAM HUDSPETH, of Tweedmouth. Sundrie misdeameanours. 1635. Oct. 21. Attachment. 1636. Ap. 28. Bond of 100*l*. forfeited. May 24. Fledd into Scotland.

THOMAS GREENEWELL. Clandestine marriage. 1635. Oct. 21. Attachment. Dec. 2. Refused to be sworne to aunswaere. Committed till he submitt himself to law.\* 1636. Apr. 28. Again refused. Committed for 14 daies. Aug. 2. He was monished to exhibit his answeares sub poena. Had not answered. Attachment. 1637. Mar. 7. Committed till he should enter bond to answeare and undergoe his oath. Ap. 18. Grinwell being called, the messinger enformed that he was not then in his custodie. Attachment. 1638. July 10. 10*l*. forfeited. (30 Aug. 1639. Remitted in regard of his poverty.) Sep. 18. 10*l*. forfeited. Oct. 30. The like. (30 Aug. 1639. Remitted in regard of his poverty.) Dec. 4. The like.

EDWARD JOPLIN. Clandestine (or popeish) marriage. 1635. Oct. 21. Attachment. For contempt. 1637. Mar. 7. Fled.

GEORGE TAILER. Conveying popeish preistes. 1635. Oct. 21. Attachment.—For popeish (or clandestine) marriage. 1636. Mar. 9. Attachment renewed.—For contempt. 1637. May 16. Fledd.

ROBERT SMYTH and LANCLOT TAYLER. Private baptismes. 1635. Oct. 21. Attachments.

\* The entry follows the contagious example of George Swinburne, a like recusant.



LUKE FINLEY. Publishing scandalous woordes. 1635. Oct. 21. Attachment. Dec. 2. Gone into Ireland.

THOMAS WALL. The like. 1635. Oct. 21. Attachment. Dec. 2. Charged to have abused Nycholas Carnes, whoe lately was a recusant papist and nowe confirmed himself, in calling him "base turne coate." Confessed. Shall acknowledge his rash and unadvised speeches, which tended to the scandall of religion, in the cathedrall church on a Sondag in tyme of divine service in his ordinary apparell. 1636. Mar. 9. Certified. Costs taxed to 40s. Ap. 28. Required to pay them, yet the Commissioners wished the officers to moderate the same.

MARMADUKE MASON, clerke, on the promociion of ROBERT CHILTON. Sundry pretended misdemeanours. 1635. Oct. 21. Letters missive. Dec. 2. If Chilton failed to enter bond to prosecute, the partie was to be dismissed with his costes. 1636. Mar. 9. Neither party appeared. Monicion against both. Ap. 28. Chilton required to enter bond, &c., as before.

GEORGE FAREHARE and MICHAEL JOHNSON, gent.\* For being present at a clandestine buriall. 1635. Oct. 21. Letters missive. Dec. 2. Objected to them that publicly and on the day tyme they were present in Sct. Oswald church, Durham, at the burial of Ellenor Batmanson, widdow, being excommunicate and convicted of recusancy. Answered vivâ voce and confessed that they and many others were present, though it was not on the day tyme. The Commissioners understanding that they came casually and were not principall actors therein, dismissed them with a monicion that they hereafter they should not attempt the like sub poena juris. 1636. Mar. 9. Costs taxed in each case to 40s. May 24. Appeared not. Monicion.

HENRY WILKINSON. Sundry misdemeanours. 1635. Dec. 2. Sworne to answeare, and entered bond for the appearance of his sonne. 1636. Mar. 9. Hath answered. Dismissed.

JOHN BRIGGS. Neglect of his office in not assisting the mesinger. 1635. Dec. 2. Attachment upon the informacion of the

\* According to Mr. Surtees's pedigree of Johnson of Twysell, vol. ii., 200, George Johnson, son and heir of Will. Johnson in 1562, had issue Michael, who had livery 1611 and had issue another Michael, bur. at St. Oswald's, Durham, in 1714. A generation is perhaps omitted between the two Michaels. Mr. J. B. Taylor, (ex inf. Michael Jones, Esq., a descendant of the family in 1820), places . . . . . Johnson between them, and states that he had a son, the Michael of 1714, by his first wife, and John, George, William, Hilda (a nun in Flanders) and Elizabeth (died at Lancaster, aged 103), by his second, the daughter of . . . . . Young.

messinger. 1636. Mar. 9. Dismissed upon paieing costes. May 24. Paied.

JOHN SHARPE of Slingley, upon the presentment of the Vicar. Blasphemous woordes. 1635. Dec. 2. Attachment. 1636. Mar. 9. Charged with speakeing that he cared not thre halfe-pence for the Blessed Sacrament of the Lord's Supper, or to that effect. Ap. 28. Monished to undergoe his examinacion citra prox., which he did accordingly.—May 24. Hath answered and denied the articles. — June 21. *Anne Foster* of Silkesworth, widdow, aiged 30. From Martynmas gone twelve monethes till Martynmas last she lived in the house of Mr. Rd. Blaikiston, of Seaton,<sup>a</sup> now deceased. About a yeare gone, at Sct. Peter day last, did meete with John Sharpe whoe was sittinge at the doore of Thomas Glenne of Seaton, and her said master Raph Blaikston then lieing very sicke, and examine knowing there was some differences betwixt Sharpe and him, she wished Sharpe to goe unto her master that they might be reconciled and one forgive another. He instantly answered that he would neyther goe to him nor yet forgive him. "For," quoth he, "Sir John (meaneing Mr. Easterby<sup>b</sup> as she conceived) hath beene in hand with me about the same and tolde me he could not give me the Communion till I had done it." And then Sharpe replied againe to examine, "I care not three halfepence for his Communion, he standes more neede (meaneing Mr. Easterby) of three halfe pence to buy him threede for his cloathes then I doe of his Communion." There were present divers people, viz. Rich. Wilson, Dorothie Wilson,<sup>c</sup> and others. Hath not anie reward saveing her charges, which Mr. Easterby gave her. — *John Easterby* of Seham, co. Durham, clerke, aiged 32. Hath knowne Sharpe for 14 or 15 yeares. About Michaelmas<sup>d</sup> last, had occasion to ride to Durham. Sharpe came alonge with him, of purpose, as examine thinketh, to withdraw the informacion given against him in this Honorable Court. In rideing together examine said "What meant yow to speake the blasphemous woordes against the Blessed Sacrament, as it is said yow have done?" He answered, "I care not what I spoke, soe as I might but speake ill enough to shew my malice against him (meaneing Mr. Raph Blaikston); but (quoth) good Sir, lett this matter goe noe further and I will never speake the like againe, and

<sup>a</sup> He died in 1635, the last male heir of the Blakistons of Seaton, par. Seaham.

<sup>b</sup> John Esterbie, vicar of Seaham, 1622. His evidence follows.

<sup>c</sup> See pedigree of Wilson of Seaton.—Surtees, ii, 276.

<sup>d</sup> The other witnesses say Lent.



give yow any content yow will have for your good name." They came along to Durham together, and after there comeing thither, (at Sharpe his request) examine did goe with him to William Frissell to see if they could deale with him to quit him. Frissell (upon his acquainting him therewith) asked him what he would give to be released, whereunto he yeelded to give tenne poundes a peice to examine and Frizell if they would withdraw and conceale the informacion, soe as he might not be called in question for it. And Frissell saieing to him "How durst yow speake such blasphemous woordes," and repeated the woordes unto him, wherupon hee fell downe on his knees and wished him to pardon it for Gode's sake, and to let him heare noe more of it, and he would never speake the same againe. On the Thursday after he came downe to examine, and said that for the matter against him he would putt himself into the courtesy of my Lord (meaneing the Lord Bishopp of Durham) and the court, and that he would have examine and Frissell punished for askeing him moneys, and that before he gave any such sume of money he would doe pennance both in church and markett. There were present and heard the passages between him and Frissell, John Chilton and William Wilkinson, and noe others. The other passages were private betwixt examine and him. John Easterby. — *William Wilkinson* of the city of Durham, yeoman, aged 60. Hath knowen Sharpe from his infancy. About Lent last, Sharpe happened to be at the house of William Frissell, examine's sonne in law. Sharpe intreated Mr. Easterby and Frissell to gett him dispatched of the busines they had against him in the Commission, and said if they would doe it he would give them 10*l.*, or some other sume of money which he remembreth not. William Wilkinson. — *John Chilton* of Clapeth in the city of Durham, cordiner, aiged 51. About the beginning of Lent last, Sharpe and Mr. Easterby came to examine's shoppe and upon there intreaty examine did goe with them to Wm. Frissell's house, the messinger. Upon his comeing thither, Sharpe tolde Mr. Frissell that he conceived he was called into the High Commission and intreated him and Mr. Easterby to helpe him in it, and he would give them any reasonable content to have it dispatched, whereunto Frissell asked him if he would give 20*l.* to be dispatched of it. Sharpe tolde him he would give them five markes, and further intreated examine to agree with them at as lowe a rate as he could, and said it would begger both him and his barnes if the suite should goe on against him. The very same day Easterby, Frissell, and Sharpe, came to examine's house and did fall to conferre of the matter

again. Heard Sharpe there againe offer them five markes, and fell downe on his knees and prayed them to take it and sayd he would never doe the like againe, and againe intreated examine to deale with them as low as he could, but thereupon they departed, and noe more was sayd or done. John Chilton. — *William Frissell* of the citty of Durham, gent., ayged 30. Aboute Candlemas last, Mr. Easterby came to examine's house [and did tell him and did give *Erased*] gave him a note in writing under [Mr. Easterbie's *Erased*] his owne hand, purporting as in the article is mencioned, whereupon examine repaired to the Rt. Honorable and Rt. Reverend Father in God the now Lord Bishopp of Durham, and acquainted his Lordshipp with the said informacion, who gave direction that the partie should be called. [And this examine further acquainted his Lordshipp that he conceived there was noe full profe and therefore that he would offer the partie a composicion and soe by that meanes he doubted not but that he would confesse the truth, which course his Lordshipp well approved on *Erased*.<sup>a</sup>] About a weeke after that time Mr. Easterby and Sharpe came to examine's house to speake with him, wheareupon examine tooke forth the informacion which Easterby had given him, and asked him [Sharpe] how he durst speake soe blasphemouslie of the Blessed Sacrement of the Bodie and Bloud of Christ Jesus, which is the seale of our salvacion. Sharpe confessed the speakeing of the wordes, and sundry times fell downe upon his knees and praied examine not to call him in question for it and he would give examine for his paines five marks, and after that five pounds, and then he offered him twenty nobles, and after that he offered examine tenn pounds to quitt him thereof. All theis passages or the most of them weare moved and spoken in the presence of Mr. Easterby, John Chilton, William Wilkinson, and others whose names he remembreth not. Willm. Frissell. — 1637. Mar. 7. It appeared by the testimony that Sharpe had spoken some words tending to the effect he was charged with, though not directly with the words articulate, and likewise some other words against Mr. John Easterby, clerke, minister of the parish where he liveth, and against Mr. Raph Blakeston his neighbour, which the court conceiveth were verie uncharitable and deserved

<sup>a</sup> This is an extraordinary passage, and, true or false, would not bear the light to which office copies were exposed. Frissell was not immaculate, (see Marmaduke Hedworth's case) and this story of the offer originating in the desire to procure a confession, is a singular circumstance if true, when compared with Eastgate's deposition, unless Eastgate was instructed to lead Sharpe into the pitfall. In any case, it is clear that a composition was not considered an extravagant expectation, nor sufficient to blast the reputation of a messenger.



a censure. To acknowledge the irreverent words in his parish church at Seham upon some Sunday in time of Divine service the forenoone. To be imprisoned for 14 daies, and pay his Majestie for a fine the summe of 100*l*. Lastly, he was condemned in costes. (*Note.* 5 Martii,<sup>a</sup> 1638. This fyne was released by the Rev. Father and Commissioners in regard of his poverty and the punishment he had already undergone for the offence.) Ap. 18. Submission certified. July 18. In regard of his povertie the Commissioners taxed him only to pay 3*l*. costes before Michaelmas next, over and besides the messinger's fees, upon payment whereof he was decreed to be dismissed, which sume he paid the 30 Sep. 1637.

JOHN ADDY of Stelhoe and BARTHOLOMEW ADDY. Clandestine marriages. 1635. Dec. 2. Attachments. 1636. Nov. 4. John hath beene married, or soe reputed, for 16 yeares, and Bartholomew for 6. Referred to the ordinare and finall determination of Mr. Chancelour. 1637. Jan. 21. Upon a note from Mr. Chancior, testifieing the performance of his order, bonds released.

RICHARD JOHNSON, junior. The like. 1635. Dec. 2. Attachment. 1636. May 24. Attachment renewed.

ROBERT PORRETT and RICHARD PORRETT. Scandalous woordes. 1635. Dec. 2. Attachments. 1636. Mar. 9. Robert remitted, Richard sworne to answer. 1637. July 18. Richard's bond of 50*l*. forfeited for not certifieing and undergoinge according to the tenor thereof for standeing to the order of Mr. Archdeacon.

MICHAEL STOKOE, on the promociion of SUSANNA STOKOE. Abuseing his wife, and for alimony. 1635. Dec. 2. Attachment. 1636. June 21. Injunction that she should repaire to her husband and live with him as becometh her, and decree that he should enter bond to use her lovingly, which he performed.

FRANCIS REEDE. Incest with his sister, and contempt. 1635. Dec. 2. Letters missive. 1637. Jan. 10. Attachment renewed.

MARMADUKE HEDWORTH<sup>b</sup> and MARGARET REY, on the

<sup>a</sup> This court is not regularly entered, but numbers of fines seem to have been destroyed upon it.

<sup>b</sup> His connection with the main stem of Hedworth is not ascertained.

promocion of MARY DACREE.<sup>a</sup> Sundry misdemeanours. 1635. Dec. 2. Attachment against him. Letters missive against her. 1636. Mar. 6. They were sworne to aunseare articles exhibitted on behalfe of *Dorothy* Dacree. He to enter bond with good sureties in the sum of 1000*l.* for his appearance and aunswearing the cause. By the articles of informacion [recited in the sentence as follows] Hedworth was charged that he in the monethes and yeares 1630, 1631, 1632, 1633, 1634. and 1635, or in some one or moe of the said monethes and yeares respectively, being free from all matrimoniall contract, did contract himselfe to Margaret Rey, of the parish of Chester in the street, by the wordes of contract of marriage specified in the booke of common prayer, and after such contract, in corroboracion thereof, had carnall knowledge of the body of Margaret, and of her body begott one or moe base children, and after such his unlawfull knowledge of Margaret he endeavoured to have *diswaded* her to release the said matrimoniall contract, and to that purpose offered her a summe of money. Notwithstandeing, the said Hedworth in the monethes of the yeare 1635, or in some one of them, did clandestinely and on the night time take and carry away from Chester the said Mary Dacree, the party promovent, being borne of noble bloud and parentage,<sup>b</sup> she being ignorant of the aforesaid contract, and without the dioces of Durham did de facto though unlawfully contract or rather very irreligiously and scandalously prophaine marriage with the said Mary, to the great offence of Almighty God, the scandall of ecclesiasticall government, and the dainger of his owne soule. — In his answeares [recited in the sentence as follows] Hedworth upon his oath denied that he did ever contract marriage with Rey, but confessed that at divers times within the time articulate he did had carnall knowledge of her body, and that she did beare a base daughter which she fathered on him. He offered to give her 10*l.* in satisfaccion of the wronge done unto her and not otherwise. On a Frydaie, about tenn or twelve dayes before Christenmas, in the yeare 1635, he carried away Mary Dacree

<sup>a</sup> Apparently the daughter of Francis Dacre, titular Lord Dacre.

<sup>b</sup> "Mrs. Frances Dacres, alias Frances Lady Dacre," was buried at Chester-le-Street, 19 Feb. 1632-3—*Surtees*, ii. 146. It is suspected that she was only entitled Lady by courtesy, and that she was a sister of Randal Dacres, "the last male heyre of the line," who was buried at Greystock at Lord Arundel's expence in 1634. His uncle Leonard, and father Francis, both rebels, in 1569, were successively termed Lord Dacre, notwithstanding the marriage of the heiress general of Dacre with Lord Wm. Howard. A Mary Dacre is mentioned among the progeny of Francis, and is said to have died childless at a very great age.—*Nic. and Burn*, ii. 351. See *Arch. Æl.*, N.S., ii., 157.



from her mother's house articulate (though with her owne consent) and into Yorkshire. They were married at Thornaby, in Cleaveland, on the morrow after, by Mr. Rainell, and in the house of the said Rainell, and on the day-time, and in the presence of divers wittnesses. Confesseth alsoe that Mary Dacre was and is of noble bloud and parentag. — 1636. Apr. 28. They have answered articles, and are bound to appeare. Which daie the proctor on the behalfe of the said Marie Dacre produced to prove the articles, Alice Clifton, Elizabeth Bulmer, and Isabell Garbett, whoe were admitted, and at his petition sworne to depose the trueth [&c.] In whose presence Mr. Bullocke, proctor for the said Hedworth, exhibitted interrogatories, and the said wittnesses at his petition were likewise sworne to depose the trueth upon the same, and the tearme prorogued in prox. The examination of sundry wittnesses taken 28 Apr., 1636, before the Right Reverend Father in God, Thomas, by divine providence, Lord Bishopp of Durham, and others his Majestie's Commissioners for causes ecclesiasticall [&c.,] upon certaine articles of informacion exhibited before them by *Dorothy* Dacre, spinster, against [&c.] — *Isabell Garbutt*, wife of Richard Garbutt of Newcastle upon Tyne, playsterer. Hath knowne Hedworth for three yeares or thereabouts. Aboute thre yeares since gone at Christenmas last, examine heareinge that Marmaduke Hedworth was a suiter to Margarette Rey, was desirous to see him. Did goe into the house of Marke Clifton, whoe then lived in St. Nicholas Churchyard, in Newcastle upon Tine. Found Marmaduke and Margaret sittinge together drinkeinge. Asked Margaret if he, meaninge the said Marmaduke, whoe was there sittinge, were not her sweetehart, whoe answered her he was. Examine replied that she was opinion that he would never make her his wife. Marmaduke then laide his hand upon Margarette her shoulder and said, "God damme him if ever he married anie other woeman but her," which words he spooke in the presence of the said Mark and his wife and some others which did or might have heard the same. Aboute six weekes after that, Margarette sent Marke Clifton his wife unto examine, as the said Clifton tolde her, of purpose to buy some housholde stuffe for the weddinge of the said Marmaduke and Margarette whoe tolde this examine that they were forthwith to be married, and soe examine and Clifton's wife did goe together and buy some housholde stuffe. Beleeveeth it to be true that Margarette had a childe to Marmaduke. Is not of kindred. + — *Elizabeth Bulmer* of Lampton, par. Chester, widow, aiged 48. Hath knowen Marmaduke for 4 yeares or thereabouts. On a Sondag morneing, aboute twoe yeares agoe,

Margaret Rey came to examine's husband's house, and intreated him to goe with her to Chester, and toulde him that she would gladly have an end with Marmaduke Hedworth touching the matters betwixt them, and as he had beene the best acquainted therewith formerly she would still trouble him till it were at an end. Both her said husband and she did thereupon go to Chester, where they found Marmaduke in the house of Grace Ladley the afternoone of the same day. After some familiar passages, and entercourse of drinkeing one to another, examine asked her if she would goe home, whereupon Marmaduke tolde her that she, meaneing the said Margaret, should not goe with her. Howbeit soone after which, she came away thence, and Marmaduke came after them along the highway leadeing to Lampton, and did goe into the house of Raph Andrew, liveing at Chester bridge, and there they drunke againe, after which he sett her along her way homewards. Then examine's husband called him from the rest of the company, and toulde him he came to know his mynde touching Margaret Rey, and what he would doe in that busines which had beene long in question. He aunswared him that he was content to take her part and to take what porcion her freindes would bestow on her, or woordes to that effect. The said Marmaduke thereupon tooke her by the right hand, and sayd, "I Marmaduke Hedworth take the, Margaret Rey, to my wife, and thereto I plight thee my fayth and my troth." Then Margaret, still holdeing him by the right hand, said unto him, "And I, Margaret, take the, Marmaduke, to my husband, and thereto I plight the my troth," and then they tooke there handes asunder and Marmaduke kissed her, and tooke her by the arme and walked along with her a pretty space, soone after which they departed. There was present and heard the woordes the said parties, together with this examine's husband, now deceased, and this examine herselfe, and noe others, though there was some which stooode a litle of, and soe could not heare any thing. The said Margaret hath borne a childe unto him. Is not of kindred. + — *Ad Interr.* Is a poore widdow and worth very small. Did beare a bastard childe before her marriage, for which she did undergoe law. One day before Mr. Hunt she said indeede she knew nothing touching the matter in question, neyther would she medle in it, or woordes to that effect. Her charges are borne. + — *Alice Clifton*, wife of Marke Clifton, of Lampton, aged 30. Hath knowne Marmaduke Hedworth for thre yeares or thereaboutes. About two yeares agoe at Candlemas last, he came to examine's husband's house, whoe then dwelt in Sct. Nicholas'



church yarde. Soone after his coming, he intreated examine to send for the said Margaret, which she did, and she came accordingly. Marmaduke and Margaret did sit a pretty space, talking and drincking together in a very familiar maner, after which Margaret tooke her leave on him and went her way. After her departure, examine tould him that some of Margaret her friends thought that he would never marry her, and ther upon Marmaduke clapt his hand on his breast and said if ever he married any woman in this world it should be her. Ther was none present and heard the passage betwixt them. Is not of kindred. + — *Ad Interr.* Her husband is a laboring man, and getteth his living in that way, neither is he or examine owing any thing to Margaret. Margaret doth beare her charges of coming hither to be examined, and other reward she expecteth none. + — May 24. Tearme probatory againe prorogued. [Proceedings against Rey cease.] June 21. Tearme againe, ex causis nonnullis, prorogued in prox. Aug. 2. Marmaduke appeared, in whose presence the Commissioners were moved on the behalfe of Richard Hedworth,<sup>a</sup> of Chester in the Streete, Esquire, that in regard he had stooode longe bounden in one bond of 1000*l.* for Marmaduke, his appearence amongst other things as in the bond appeareth, and for some other causes then urged that he might be released from the penalty of the bond. Deceed the bond touching Richard to be annyhilate and voide, and he from henceforth to be discharged and freed from all endemnity thereby. Committ Marmaduke to the custodie of the messinger untill he should againe enter good bond for appearance. Upon petition on behalfe of the party promovent the tearme was prorogued in prox. Oct. 25. Appeared and comitted to the same custodie againe untill, [&c.] Tearme probatorie prorogued. 1637. Jan. 10. Appeared by his keeper. Tearme prorogued till next Courte. He committed to the Common Gaole. Jan. 24. Hedworth, by warrant from Mr. Deane, Mr. Chancelor, and Mr. Robson, unto me, entered bond to appeare at the next Court and answeare, and soe was released. Mar. 9. Before the Commissioners aforesaid, William Bowes, William Rey, and Barbary Rey, were produced and sworne to depose, in presence of Mr. Bullocke. — *William Bowes* of Gateshead, gent., aged 40. About twoe yeares agoe, haveing occacion to be abroad, his wife at his coming home tould him that Marmaduke Hedworth and some with him, and alsoe Margaret Rey her friends had beene there that day. Soone after, William Rey, brother to the articulate Margaret Rey, tould examine that Marmaduke

<sup>a</sup> Of Chester Deanery, died 1680.

and they (meaning Margaret and her freindes) had appointed a meeteing at Chester, toucheing the pretended marriage to be agreed upon betwixt them, and intreated examine to goe with them. Upon there comeing to the house of Marie Haswell, widdow, of Chester, Hedworth and William Rey did goe forth of the rome where they were into another rome, into which examine accidentallie came, and heard them conferreing together what porcion Rey would give him with his sister, whoe answered he would give him 40*l.* of his owne good will, but Marmaduke semed to sleight his profer therein, and soe they departed forth of that rome and noe more was said. William Bowes. — *William Rey* of Newcastle, merchant, aiged 30. About twee yeares agoe, Hedworth came to the house of William Bowes of Gatshead, with some of his freindes. They sent for examine. Upon his comeing thither, he and Hedworth did walke forth into the yarde together, and examine tould him how he had wronged his sister, being then with child unto him, and wished him to prove an honest man unto her and to marrie her. Hedworth replied that if he would give him 400*l.* porcion with her he would marrie her, whoe answered that he would of his owne good will give him 40*l.* with her, but he refused to accept it, and they departed. Another time after that, Hedworth sent the second time to come to meet him at another house in Gatshead, wheare Marmaduke proffered to give examine for the use of his sister 10*l.*, soe as she would make him a generall acquittance. They did alsoe meet another time at Chester, wheare Marmaduke againe proffered the like summe of 10*l.*, soe as his sister would release him. She did beare a childe begotten by Marmaduke as he thinketh. William Reay. — *Barbarey Rey* of Newcastle, spinster, aiged 26. About three yeares agoe, Hedworth came unto her brother's house in Newcastle and asked for him, whoe being not at home. tould this examine that he would gladly have spoke with him about his sister Margaret, and he tould examine that Margaret had granted his request, meaneing, as examine conceived, that she had contractted herselfe unto him, or promised to marrie with him. Examine replied that it was well, if he could kepe her sister better than she was. Barbra Reay. — Mar. 7. Publicacion decreed and copies. Apr. 18. At the petition of Mr. Bullock, proctor for Hedworth, the Court assigned him to propound matter of defence within 14 daies. May 6. Tearme prorogued. May 23. His proctor exhibited a matter which was admitted quatenus, and he assigned to prove the same in prox. Compulsaries decreed. June 20. Produced to prove the said allegacion, Jerrard Smith, Magdalen



his wife, and Robert Fletcher, whoe were sworne and monished to undergoe there examinacions citra prox. Attachment decreed contra Willelmum Carlile and compulsaries contra alios. The examinacion taken at the mannor of Bishopp Awckland. — *Magdalen Smith*, wife to Gerrard Smith, of Lampton, labourer, aiged 22. Hath knowne Marie Dacree fore one yeare and Hedworth for twoe yeares. Is the lawfull daughter of Elizabeth Bulmer. Hath heard it reported that her mother had a bastard childe, begotten before the intermarriage of her mother with her late father Barthram Bulmer. Aboute a yeare since Margaret Rey came unto her mother in the presence of examine, and tould her she would have her to prove the contract betwixt the articulate and Marmaduke Hedworth, but her mother replied that she could say nothing against Duke Hedworth touching the contract. After that time was presente with her mother when she did speake with Margaret in Newcastle, at the house of Isabell Garbett, and required some money which Margaret had promissed her for being a witnes in the cause, and thereupon Margaret gave her some moneys which seemed to amounte to 10s., which Elizabeth Bulmer tooke and went into the market to buy such thinges therewith as she needed. Hath knowne her mother receive of the Ladie Dacres at some other times since she was first examined, at one time 20s. upon her letter which she sent by Ann Hackison. Knoweth soe to depose, for examine was presente at Greenecroft, in Lainchester parish, when Hackison for her mother's use received 20s., but for what use she knoweth not, or to what intent she soe delivered the same. Her mother is a poore widdow, and hath litle or nothing to live upon saveing some helps and meanes from her children. Hath heard that Hedworth and Marie Dacree were married, and beleeveth that they lived together for some small space in Chester, and were accompted as man and wife. + — *Gerrard Smith* of Lampton, labourer, aiged 23. At Easter last Margaret Rey at Chester, and in the waie from thence unto Lampton acquainted examine that she had given to Eliz. Bulmer 30s., and that everie time she came to the towne the Ladie Dacress gave her 18*d.* or 2*s.* more, and he conceived by her speech it was given for being a wittnes touching the contract. Beleeveth she is not worth foure pence debtlesse. S. — July 18. Decreed publicacion of the witnesses, salva examinacione Willelmi Carliell et Roberti Fletcher, after whose examinacion they decreed the like. — *Robert Fletcher* of Chester, yeoman, aiged 23. Hath knowne Marie Dacree for three yeares, and Marmaduke Hedworth for seven yeares. Elizabeth Bulmer is ill reported on amongst her

neighbours, and is addicted to drinkeing in idle companie. She is not worth 20s. debtlesse. Hath heard it crediblie reported that Hedworth and Dacree were married in Yorkshire, and lived together at bedd and bord as man and wife for 20 daies. Robert Fletcher. — Aug. 15. Terme probatorie is prorogued peremptorie in hunc diem, and the wittnesses examined and published salva examinacione Willielmi Carliell. At the petition of both sides, cause assigned for conclusion in prox., and in the meane the parties to take forth copies. Sep. 19. At the petition of the proctors, and for divers other reasons, continewed in statu quo. Oct. 24. Decreed the cause should remaine statu quo untill the contract betwixt the said Marmaduke and Margaret should be determined in the ordinary iurisdiccio. Dec. 5. Mr. Tobias Swinburne being of counsell for the partie promovment, alledged that the contract by diffinitive sentence was determined, and produced a publique instrument and exemplificacion thereof, and desired conclusion in the cause in the presence of Mr. Bullocke, proctor for Hedworth, alledging for his clyent that the cause was appealed, and soe the contract not determined. Decreed conclusion, and assigned for sentence the next court. Hedworth (being presente) monished to appeare personally that day to heare and see it given, upon paine of the forfeiture of his bond, in the presence of his proctor dissenteing. Further signified unto him the day and place of there next session. 1638. Jan. 16. Appeared personally, and upon his allegacion that he wanted counsell, cause respited in prox., and he monished, upon the forfeiture of his bond, to appeare. March 6. Appeared personally, whereupon the Rev. Father and Commissioners, upon the motion of Mr. Raph Hutton and Mr. Tobias Swinburne, being of counsell for Dacree, decreed a publique informacion in the presence of Hedworth and his proctor, and required that all the proceedinges in the cause should be publicquely redd. Upon readeing the articles of informacion exhibited to this honorable court, by and on behalfe of Dacree against Hedworth and his answeares thereto; and forasmuch as it appeared by an instrument from the Right Worshipfull Mr. Tho. Burwell, Chancellor of the Dioces and his Lordshipp's register there, beareing date 4 Dec., that the cause of contract betwixt Hedworth and Rey was, by sentence diffinitive, on 24 Nov., determined by the said Mr. Chancellor accordeing to lawe, and soe the Commissioners were satisfied toucheing the decision of the contract, and therefore onely proceeded to there sentence diffinitive against him as toucheing the prophanacion of the pretended marriage twixt him and the partie promovent; and upon reading the allegacion of Hedworth by way of defence,



and upon urging the proof thereupon made, the Commissioners conceived that there was not any thing therein materiall or concludent in law to enervate the state of the cause ; therefore they proceeded to there sentence definitive as followeth :—1. That Hedworth shall make a publique acknowledgment both at the markt cross in Durham and Chester in the Streete, according to a scedule to be prescribed him in that behalf. 2. He shall pay to his Majesty for a fine a thousand markes. 3. He shall be committed to ward and imprisoned for three yeares. 4. He was decreed excommunicate ipso facto. Lastly. He was condemned in the charges and costs of suite to be taxed by one or moe of the Commissioners, as occasion required. Apr. 10. His Lordshipp required the messinger unto whome he was committed to bring him to the court, whereupon his Lordshipp and Commissioners committed him to the comon gaole, and upon the messinger's removeall, which was alledged to be the first day of May next, it was ordered he was to be sent to the gaole at Sadberge. May 8. Upon the motion of Mr. Swinburne, advocate for Dacree, ordered that William Frissell, the messinger of this court (in whose custody the said Hedworth then remayned), should forthwith deliver him to the keeper of his Majestie's gaole, whoe, being presente, was required to receive him and keepe him in safe custodie accordeing to there former decree, which day the Commissioners, for divers reasons and specially for neglect of his office, imposed a fine of 40*l.* upon the said Frissell to his Majestie's use. (30 Aug., 1639. Remitted and discharged with the joynt consent of his Lordshipp and Commissioners, with an admonicion hereafter.\*) Aug. 16. Upon a petition for his liberty, being now a prisoner in the gaole, released for the present, upon entreing bond to appeare from court day to court day. Sep. 18. Being preconized, appeared personally. Enjoyned to enter bond, with sureties, to appeare upon fourtene daies wearneing, when it please his Lordshipp and Commissioners to monish him soe to doe. Oct. 30. Comitted till he should enter the bond. Dec. 4. An attachment was renewed for his appearance this day. Renewed. 1639. Feb. 5. Renewed. Mar. 12. Renewed. July 23. An attachment was renewed for not entreing bond to appeare upon tenn dayes warneing. Renewed.

WILLIAM JOHNSON, JOHN RICHARDSON, JOHN PRESTON, and JOHN TAYLER. Divers pretended misdeameanours. 1635. Dec. 2. Letters missive. 1636. Mar. 9. Remitted to Mr. Chanclor.

\* See the case against him afterwards.

SAMUEL RAWLYN.<sup>a</sup> Divers misdeameanours. 1635. Dec. 2. Letters missive.

THOMAS ROBINSON. The like. 1635. Dec. 2. Letters missive. 1636. Ap. 28. Remitted.

WILLIAM APPELBY, ROBT. TODD, and FRANCIS WALKER. The like. 1635. Dec. 2. Attachments. 1636. Mar. 9. Discharged in regard of a misinformation against them.

JOHN BLAIKSTON<sup>b</sup> of Newcastle upon Tyne, mercer, on the promocion of YELDERD ALVEY,<sup>c</sup> clerk. For certaine pretended misdeameanours. 1636. Mar. 9. Voluntarily appeared. Mr. Sisson, proctor for the promovent, exhibited articles of information that he had accused Mr. Alvey with delivering seaven errors in one sermon, and likewise not to conforme himselfe to the rites and ceremonies used in the Church of England, and that for 4 or 5 yeares together he did not receive the Holy Communion at his owne parish church. Sworne to aunsweare and to enter bond citra prox. The promovent to enter bond de proseguendo. Apr. 6. Blaikston was at London. The cause to stand statu quo. May 24. By reason of the sickenes<sup>d</sup> at Newcastle, and Blaikston his being at London, cause respitted in prox. 1637. Mar. 7. The cause shall proceede. Monicion.

<sup>a</sup> Samuel Rawling of Newcastle, merchant, to whom Ambrose Barnes, the puritan alderman of that town, was apprenticed. He died in 1656, and was buried at St. Nicholas', 2 July. Four months afterwards, his wife Jane, the daughter of Ralph Carr, merchant, was remarried to Sir Ralph Jennison of Elswick. She died in 1698.

<sup>b</sup> The regicide. In 1640 he represented Newcastle in the Long Parliament, and in 1649 he died. The Corporation gave 200*l.* to his widow, in consideration of the faithful services of her late husband to them, and his services to the town. In an account of the graves in All Saints' church, about 1680, we find that of "Susannah, late wife of John Blaxton, *one of his late Majesty's judges*." The equivocation is unintentional, being the penmanship of the loyal parish clerk, Wm. Robson, who was ejected 1644, and restored in 1660. The present case is abstracted more fully.

<sup>c</sup> See some account of this vicar in *Archæologia Eliana*, N.S., i., 142. He was looked upon as a pillar of Arminianism, and underwent much annoyance. He fled during the panic which followed the battle of Newburn, and, on appearing in his surplice after the Scotch ministers had vacated his church, was bodily attacked by the wife of a merchant, but his congregation rose and beat her soundly. He was deposed in 1645, underwent imprisonment, and died in 1648, leaving 10 children, who were reduced to great straights. The present volume leads to the impression that Mr. Alvey did not always take the most politic course of procedure. Blaikston had his revenge, for in 1641, when he was member of the Long Parliament, he and Thomas Milbourne avowed to the house the truth of a petition of the burgesses and other inhabitants of Newcastle, against Alvey and Dr. Wm. Wisheard, the lecturer of St. Nicholas'. The delinquents were sent for, and both eventually deprived.

<sup>d</sup> We have frequent traces in the Act Book of this great plague.



Apr. 18. Appeared personally. Assigned to exhibit answeares infra 14 daies, and after that was monished to doe the same before his departure. May 16. Hath answered. Appeared. Mr. Sisson alledged that he had not made a full answeare to the fift and sixt possiciones. Shall answeare more fully before Tuesdaie next, 23 May. Which daie, he being called, appeared not. Ex gratia ordered that he shall exhibit his answeares before 10 June. June 20. Alledged that he had beene at Durham with a resolucioe to have done the same, yet could not be affected. Monished peremptorily to exhibit same within 15 daies. July 18. Hath exhibited his fuller answeare. Being preconized, appeared and was enjoyned to attend Mr. Chancelor on Satturdaie next for his fuller answeare, which he did, and soe the partie is assigned to prove on Tuesdaie, 15 August. Aug. 15. In parte probacionis, Sir George Tonge, knt., Mr. Robert Carr and Christofer Copperthwaite, gentlemen, and Christofer Forster, clerke, were admitted and sworne to depose the truth, and monished to undergoe there examinacion citra prox., in the presence of Mr. Mathew, proctor for the defendant protesteing [&c.], at whose petition interrogatories were admitted, and they alsoe sworne [&c.] to depose the truth thereunto. Tearme prorogued in prox. and compulsaries decreed contra testes quoscunque et præcipue Mr. Ball,..... Mr. Fra. Liddell. — *Sir George Tonge*<sup>a</sup> of Denton, co. Durham, knt., aged 52. Hath knowen Yelderd Alvey for 6 yeares, and Blaikeston from his infancy. About December,<sup>b</sup> in the yeare articulate, examine and divers others happened to be in the house of Mr. James Carre, where heard Mr. Alvey and Mr. Blakeston reasoninge together, and amongst other woordes he heard Blaikston charge Alvey with seaven errors. There were divers persons in the house at that tyme, as namely, Mr. Robert Carre and others, but whoe were in the roome at that tyme by name other then Mr. Robert Carre and Mrs. Blakeston,<sup>c</sup> wife to John, he cannott now certainly depose. Is of kindred to Blakeston, tamen non curat de victoria dumodo justicia habeatur. *Ad Interr. ex parte Blaikston ministrat.* Believes that the occacion of the discourse begunne

<sup>a</sup> Married in 1609 to Elizabeth dau. of John Blakiston's uncle Thomas of Newton Hall and Old Malton.

<sup>b</sup> Witness's eldest son, George Tonge, married Barbara, dau. of James Carr of Newcastle, at St. Nicholas's, 7 Dec., 1635. The bride died in 1641, and, shortly before, Thomas Cooper of Durham, had, for 5*l.* yearly, undertaken to keep her in good health. Two months elapsed, and he gave her over and said he could do no more for her. The family filed a bill against Cooper for breach of contract. Surtees, iv., 5.

<sup>c</sup> Susanna, widow of Roger Chambers, merchant, married to Blakiston in 1626.

betwixt the partie promovent and Mrs. Blakeston, wife to the said John. Cannot remember that he heard Blaikston particularize any errors at that tyme. Geo: Tong. — *Robert Carre* of Newcastle, gent., aged 23 yeares. Hath knowen Alvey and Blaikston for 6 yeares. Mr. Alvey hath beene accompted a good, paynefull, and orthodoxe preacher. About a moneth before Christenmas in 1635 Alvey and Blaikston happened to be at dynner at the house of examine's father, with divers others. Some occacion of conference happened at that tyme betwixt them. Heard Blaikston tell him that in a sermon he preached at All-hallowe church, he delivered seaven errors. Examine said unto Blaikston, at that tyme, whoe he conceived was much transported with passion, that he would not have spoken soe disgracefully of Mr. Alvey unles the devill were in his tongue. There were present Sir George Tonge, Mr. Robert Harle, and many others. Blaikston doth oftener repaire to Alhallow church then to Sct. Nycholas church, being his parish church where he now liveth. *Ad Interr.* Believeth that the occacion of discourse happened betwixt Alvey and Mrs. Blakeston, whoe were talkeing together in the roome, and upon there parteing [Mr. Alvey seemed much discontented *Erased,*] John Blaikston, upon what occacion examine knoweth not, charged him with seaven errors as before deposed. Heard Blakeston say to Alvey, "Yow have ever borne spite or malice to me since yow came to the towne." Alvey replied, "Yow have noe religion nor grace in your heart if yow say soe." Whether the speakeing of errors were uttered before or after there last mencioned discourse cannot depose. Robert Carr. — Sep. 7. *Christofer Forster* of Newcastle, clerke, aiged 36. Hath knowne Blakeston for 7 yeares. Dureing 13 yeares last past and more hath well knowne Alvey, whoe about that time came to be lecturer of the parish church of Sct. Nicholas in Newcastle, which place he continewd for 7 yeares or thereabouts, since which time he hath beene vicar of Newcastle. Hath beene and is a good orthodox and painefull preacher, and as examine beleeveth preacheth nothing but good and sound doctrine, and is soe held of all his auditors of good and sound judgment. Hath beene curate of Sct. Nicholas for theis 16 yeares, and soe hath beene a frequent auditor of such his sermons. Blakeston hath not ordinarily frequented the parish church of Sct. Nicholas upon Sundaies and holy daies to heare divine service, as other parishioners doe. When as he cometh at anie time to anie parte of divine service, he doth not demeane himselfe in that reverent and ordarly manner prescribed in the Booke of Common Prayer, not knealeing when those prayers are said wherein he is ap-



pointed to kneale, nor standeing when the creed is reade. Upon a lecture day, in time of divine service, Blakeston was standeing and leaneing in his pewe, and did not kneale at the readeing of such prayers as is enjoyned, whereupon Mr. Alvey spoke to examine to send the clarke to Blakeston, and to wish him to conforme himselfe by knealeinge, which he did, and the clarke did goe unto him, and returneing to examine, tould him that Blakeston said that he knewe his duety or what he had to doe as well as his master (meaneing Mr. Alvey, as examine beleeveth). By reason thereof manie of the congregacion stood upp and gazed at them, and the minister by reason of sendeing unto him, was hindred during that time in celibrateing divine service. Saieth and beleeveth it to be true that Blakeston for theis 5 yeares hath not received the Holy Communion in Set. Nicholas church, being his parish church, for that examine dureing such time hath not administred the Communion unto him, nor knowne the same done by anie other. Mr. Alvey hath [often admonished *Erased*] endeavoured to bring Blakeston and others to conforme to the lawfull cerimonies of the church. *Ad Interr.* Heard Alvey say he would article against Blakeston, to the end he might cleare himselfe upon oath whether he had anie hand in the contriveing the libell in the interrogatory mentioned, or were anie way privy thereunto. Chr: Foster, cl. — *Christofer Copperthwaite* of Forcett, gent., aiged 24. Hath knowne Blakeston for three yeares. Hath knowne Mr. Alvey for theis seaven yeares to be a painefull preacher of God's word in the towne of Newcastle. Examine was often his auditor when he lived in Newcastle. Was in the house of Mr. James Carr. Alvey and Blakeston were reasoning together in more foreward then ordinary manner. Did heare Blakeston say that Alvey had delivered seaven errors in the last sermon he preached at All Saintes, and upon further passages betwixt them, Blakeston tould him not onely seaven but seaventene, and expressed himselfe noe further. There was present examine's wife [&c.] Is by marriage allied to Blakeston.\* *Ad Interr.* The occasion of conference begunne betwixt Mr. Alvey and Mr. Blaikeston his wife, whoe were talkeing together apart from the company, and Blaikeston did take holde of his wife and wished her to desist therein, and Alvey and Blaikeston fell into discourse. Heard Alvey say unto Blaikston that he had noe religion or grace in his heart. Thinketh that the woorde "errors" were spoken on by Blaikeston after Alvey had sayd that he had noe religion or grace in his heart. Ch. Cop'thwaite. — Sep. 19.

\* His wife was Elizabeth, daughter of William Blakiston of Old Malton, the brother of Lady Tonge.

Linley Wren, Esq., Francis Lidle and Nynian Shaftoe, gentlemen, were sworne, Mr. Mathew, proctour for the party promoted, protesting, and at his petition, Francis Lidle was sworne to depose to the interrogatories. It was alledged that Robert Harle was a necessary wittness, and could not saifeli come. Whereupon the party promovent made oath, and soe att his petition the tearme probatory was prorogued quoad Harle in prox. Comission to Dr. Jennyson<sup>b</sup> and Mr. Francis Gray to take oath and examinacion of Harle at Newcastle. — *Francis Liddell*<sup>c</sup> of Readehughe, par. Gatesheade, gent., aiged 28. For theis 12 yeares hath lived forth of Newcastle, as yet he doth, howbeit hath divers tymes repayred to Sct. Nycholas' church, where he hath heard Mr. Alvey preach, and he hath beene accompted for a good preacher. Happened to be at the house of Mr. James Carre at the marriage of Mr. George Tonge, which was solemnized that day betwixt him and the said Mr. Carre his daughter. Heard Blaikston tell Mr. Alvey of seaven errors he had delivered, and afterward Blaikeston named seaventeene, but to what the same had relacion cannott depose. Thinketh he is somewhat allied to Blaikeston, but in what degree of kindred he knoweth not. Francis Liddell. — *Lindley Wrenn*<sup>d</sup> of Binchester, Esqr., aiged 37. Hath knowne Mr. Alvey for 10 yeares and Blaikeston for 20 yeares. About November 1635, happened to be at the house of Mr. James Carr, &c. Mr. Alvey took examine by the hand and desired him to remember the passages, and spoke to Blaikeston as followeth:—"Mr. Blaikston, yow will justifie this," meaneing, as examine conceived, what he had spoken, whereunto Blaikeston replied, "Yea, I will justifie seaventeene (or seaventy) since yow came to the towne," but rather seaventy he spoke, as examine verieli thinketh; by the speakeing of which wordes examine conceived that Mr. Alvey was very abused in regarde of his function and calleing. There were presente Mr. Henry Maddison with divers others. His wife<sup>e</sup> is of kindred to Blaikeston, but in what degree he knoweth not. Lindley Wren. — Oct. 24. Publicacion decreed salva examinacione Niniani Shaftoe. — Dec. 1. *Nynian Shaftoe*

<sup>a</sup> His examination, if taken, is not entered.

<sup>b</sup> In religious matters quite the reverse of Mr. Alvey. He was a popular preacher at All Saints', and was author of a celebrated exhortation to the people of Newcastle, in consequence of the plague of 1636. In 1639, he was suspended from his lectureship for nonconformity, and became an exile at Dantzic. In 1644 he was appointed vicar in the room of Alvey.

<sup>c</sup> Afterwards Sir Francis Liddell. In 1632, married Sir Geo. Tonge's daughter Elizabeth.

<sup>d</sup> Head of his house.

<sup>e</sup> Barbara, daughter of Sir Wm. Blakiston of Gibside, married 1622.



of Newcastle, gent., aiged 33. Hath verie often heard Mr. Alvey preach, and doth hould him to be a good able preacher, and hath heard him so accompted of men of good judgement in the place. Was invited to the weddeing of Mr. Tonge and Mr. James Carr his daughter. After dinner was ended there happened some occacion of conference betwixt Mr. Alvey and Blaikeston his wife who were talkeing aparte from the company. Did goe forth of that roome with some other companie, where he stayed a prettie space. Upon coming into the roome againe found Alvey and Blaikeston talkeing. Did heare Blaikeston then say "I will mainteyn that in your last sermon at Allhalowes, yow delivered seaven errors." One in the companie replied to Mr. Alvey, "Vindecate your credit now." Then Blaikeston againe answered, "Yea, if neede were, I could make appeare seaventeene," but expressed himselfe noe further. All which woordes were spoken in the presence of Sir George Tonge, kt., one Mr. Ball, Mr. James Carr, Mr. Robert Carr, and divers others. Liveth in another parish, and hath not observed such irreverent behaviour as is articulate. Nenian Shafto. — Dec. 5. Publicacion of Shaftoe's examination decreed. 1638. Jan. 16. Matter of defence exhibited. Alvey sworne to answere it. Mar. 6. Hath answered. Moved by the counsell for Blaikeston that the answeares were not full; counsell of the other part alledgeing the contrary. Examination thereof referred to Mr. Chancour, who, the day following peruseing the same, gave order that Alvey should make his answeares more full. Apr. 10. Alvey had exhibited a more full answere. Accepted by the proctor for Blaikeston. Tearme probatorie assigned and compulsaries decreed. May 8. To prove the contentes of the allegacionn. Henry Maddison, Edward Mann, George Fenwicke, and John Lodge, of Newcastle, mercers, were sworne in the presence of Mr. Bullocke, exhibiteing his substitution for Mr. Sissons, the originall proctor for Mr. Alvey. At his petition the parties were all sworne to answere to interrogatories exhibited by the partie promovent. Tearme probatorie prorogued till 17 May. Compulsaries decreed. — *Henry Maddison* of Newcastle, gent., aiged 27. Was at the weddeing of Mr. George Tonge with Barbarey Carr. After dinner, being standeing with Blaikeston and Mr. George Fenwicke in the roome where they dined, did see Mr. Alvey and Blaikeston his wife sitteing apart from the companie at the table side in a serious discourse, in which they continewed a pretty space, upon which Blaikeston did goe unto his wife and tooke her by the

\* He was married in 1635 to Gertrude, daughter of George Tonge.

hand and spoke unto her as followeth :—" Wife, what discourse is this yow have with Mr. Alvey ? if yow doubt of anie thing I would have yow be satisfied with your husband at home, and if he cannot, then may yow goe to your minister to be resolved." Alvey, in verie angry manner, replied, " What, man ? is thou comen to out-faice me ? " Blakeston, in a very milde manner, answered that he was not, but he onley came to advise his wife not to meddle with anie thing which concerned Mr. Alvey and him. Instantly Mr. Alvey said unto him, " Goe, I will have notheing to doe with ye, for thou haste noe religion in thy heart." After some other passages they departed. All which hapned in the heareing of George Fenwick, and thinketh some others did or might have heard. Blakeston is very often absent from Newcastle by reason of his trade and many other busines. Beleeveth Blakeston is a man conformable to the doctrine and discipline of the Church of England, and the rites and ceremonies therein established. Is of kindred to Blakeston by marriage of his wife, whoe was daughter to Sir George Tonge, but in what degree he certainly knoweth not. *Ad Interr.* Was borne in Newcastle, and hath had his abode in Sct. Nicholas' parish there, when he was in the towne, for three yeares, though he hath beene verie often abroad by reason of the sicknes and other occacions. When in the towne doth usually repaire to his owne parish church of Sct. Nicholas, both upon Sondayes and holy daies, and for the most part cometh to the begining of prayers, and allwaies stayeth to the endeing. Is parishioner of the same parish that Blakeston is of. Blakeston hath had often occacions to be from home, and when at home examine hath seene him at his parish church in tyme of divine prayers. At what time he came thereunto or did goe away, or what gesture of body he used whilst there, examine did not observe, being otherwise at his owne devotions. Henry Maddisonne. — *Edward Mann* of Newcastle, mercer, aiged 40. Blakiston for these thre yeares hath had very much occasion to be abroade, by reason of his tradeing and speciall and important affaires, occacioned by a trust put upon him which required his personall attendance sometimes for the space of twee moneth together and above. Aboute two yeares agoe happened to be in Sct. Nicholas' Church in tyme of divine service,<sup>a</sup> and being placed in a seate nere where Blakiston was, did see Mr. Alvey send to Blakeston an under officer of the church,<sup>b</sup> whoe, after he had spoken unto him, returned againe,

<sup>a</sup> Upon a Lecture-day.—Catherine Lawson's Deposition.

<sup>b</sup> The beedle.—*Ibid.*



and immediately Alvey sent John Willys, his clark,<sup>a</sup> to Blakiston, who, after he had spoken to him, returned alsoe againe. Thereby the congregacion was disturbed, and the minister stayed his proceedeing for that tyme, and after examine enquireing the cause of his sending, understoode it was to putt Blakiston in mynde of some neglect of his duty att that tyme of prayer. At that instant did see Blakiston behave himself reverently by bowing his body and bending his knees, haveing his hatt before his face, and resting his arme upon the peiw, without any offence to the congregacion. Mr. Alvey tooke more particular notice of Blakiston his behaviour then of others, for at the same tyme examine did see others sittinge neere unto Blakiston whoe did not behave soe reverently, of whom he beleveth Mr. Alvey tooke noe notice att all, and soe is induced to beleve that the disturbance was occasioned by Mr. Alvey,<sup>b</sup> and noe just cause given. *Ad Interr.* Hath beene an inhabitant of Newcastle for 23 yeares, but when his occacions called him abroad, and for the space articulate hath lived, as yett he doth, in the chaplery of All Saints, in the parish of Sct. Nicholas. For the most part repayreth to the said chapple, and sometimes to the church, upon Sondays and holydays, and usually cometh at the beginning of prayers and stayeth to the end thereof. Conceiveth they are all of one parish, though the house where Blakiston liveth is not accounted to be of the chaplery. Hath sene Blakiston both at the Church and chapele in tyme of divine service both upon Sondayes and holydaies, though often time Blaxton hath beene absent by reason of his occacion, and he did behave in a decent manner. Edward Mann. — *George Fenwicke* of Newcastle, merchant, aiged 33. Did not conceive that anie wordes spoken by Blaikeston in the presence of examine at the weddeing dinner weere injurious or defamatory, for Blaikeston spoke unto him in a milde manner. After the weddeing dinner Blaikeston did goe unto Mr. Alvey and his wife and tooke her by the hand, and said, "Wife, what communicacion is this that Mr. Alvey and yow have together, if there be anie thinge yow desire to knowe, it is fiteing to learne it of your husband at home." Alvey, in a very passionate manner, replied, "What, art thou comen to outface me, man? thou art but a preistes sonne<sup>c</sup> more then I am." Blaikeston told Alvey he would not make any comparisons

<sup>a</sup> The parish clarke.—*Eliz. Loraine's Deposition.*

<sup>b</sup> By soe sendeing unto Blaikeston and hindreing him in his devotions.—*Ibid.*

<sup>c</sup> The regicide's father, Marmaduke Blakiston, had been a Prebendary of the 7th stall at Durham.

with him, but would give him all the respect was fitting to his place and calling. And upon some other passages at that time, without anie provocation at all given by Blaikeston, Alvey in the like passionate manner said unto Blaikeston, "Thou art a man hath noe religion in thy heart." Blaikeston, in a milde and temperate manner, replyed, and desired him to lett him knowe what religion was, and indeede then tould him he had soe much religion as he could discerne of errors which fell from him, or woordes to that effect. All which passages happened in the heareing of examinee and Henry Maddison, and thinketh there were others which did or might have heard. Blaikeston hath had manie occacions by reason of his traydeing as of other urgent busines wherin he was specially trusted to be from home. Hath seene him at the church of Sct. Nicholas, and knowne him duely to frequent the same, and other churches within that towne. Dureing the 15 or 16 yeares he hath knowne Blaikeston he hath never seene but that he did demeane himselfe very religiously and christianly, and conformably to lawe. Is alyed unto Mr. Blaikeston by the marriage of his wife,<sup>a</sup> whoe is cosin jermaine once removed unto the said John. *Ad Interr.* Hath beene an inhabitant within the towne for 18 or 19 yeares [and dwelt in the parish of Sct. Nicholas as is comonly held *Erased*] and thinketh he is not bound by lawe to give anie answeare to this interrogatory. When he is at home doth constantly repayre unto some of the churches or chapples in Newcastle, and for the most part doth come to the begineing of service and stayeth till the endeing of the same. Beleeveth that all the towne of Newcastle is but one parish. Doth not come to observe anie man's gesture or behaviour in the church, but joyneth with the publique congregacion in such religious duetys or offices as are then handled, howbeit, did never see but that Blaikeston did demeane himselfe in a very religious and christian manner. George Fenwicke. — May 17. Elizabeth Lorrان, Catharine Lawson, and Elizabeth Dawson, sworne, and alsoe sworne to depose unto the interrogatories. At the petition of the proctor, and informacion of George Blaikeston,<sup>b</sup> which he was readie to justifie upon oath, the tearme probatory was prorogued and compulsaries decreed. — *Catharine Lawson*, wife of Henry Lawson of Newcastle, merchant, aiged 36. *Ad Interr.* Was borne in Newcastle where she hath continewed ever since. Doth usually repaire [&c.] Katherine Lawson. — *Elizabeth Loren*, wife of Thomas Loren of Newcastle, gent., aiged 32. *Ad Interr.* Was borne in Newcastle. Hath lived

<sup>a</sup> Sister to Mrs. Copperthwaite.<sup>b</sup> The defendant's brother.



in the parish of Sct. Nicholas and chapplery of Sct. John's for theis three yeares. Doth usually repaire to the church or chapple where she now liveth. Blaikeston liveth within the parish of Sct. Nicholas, as the same is accounted to be. Since her removeall into the chapplery of Sct. John's doth not soe often repaire to Sct. Nicholas' church as formerly she did. John Blaikeston hath comen some times sooner and some times later to the church, as others did and still doe. Elizabeth Lorraine. — *Elizabeth Dawson*, wife of Henry Dawson of Newcastle, mercer, aiged 35. Heard the beedle tell Blaikeston that Mr. Alvey sent him to bidd him kneele, but what aunswere Blaikeston gave him she knoweth not. John Willis the clarke tould Blaikeston as the other. For that tyme the mynister ceased in the readeing of prayers, and the congregacion stooode gazeing about them and were disturbed, but afterwardes she certainly did understand the cause thereof, and Blaikeston, at there departure out of the church, wished examine to take notice how the congregacion was disturbed by Mr. Alvey his meanes, and examine indeede is induced to beleve that the disturbance was solely occacioned by Mr. Alvey. Blaikeston is a very religious man, and beleeveth one that is conformable to lawe. *Ad Interr.* Was borne in Newcastle and hath inhabited there all her life, and for 3 yeares last hath lived in Sct. Nicholas' parish, as the same is accounted. Sometimes repareth to St. Nicholas' church, and at other times to some other churches, as occacion serveth. Is accounted to be of the said parish where Blaikeston is of. Elizabeth Dawson. — *John Lodge* of Newcastle, merchant, aiged 31. Blaikeston is often absent, being a merchant by trade. *Ad Interr.* Hath lived in Newcastle for 12 or 13 yeares, and for theis three yeares and more hath beene an inhabitant within the parish of St. Nicholas. Doth repaire [&c.] He and Blaikeston are of one parish. John Lodge. — June 12. The proctor for Mr. Blaikeston, to prove his said matter, produced Christofer Copperthwaite, who was sworne; and further, the said proctor alledgeing Francis Liddell to be a necessarie wittnes, the tearme was assigned for his produccion, soe as the same were citra 23 Junii. Publicacion of the wittnesses examined and to be examined decreed. July 10. Cause continued, at the petition of Mr. Raph Hutton, of counsell for Mr. Alvey, alledgeing that he had but newly gotten the deposicions of the wittnesses, and had not read them over. Aug. 16. Upon the motion of Mr. Hutton, and the reporte and certificate of Mr. Chancellor, it was decreed that proces should goe forth against George Fenwicke, to answere more fully to the first and fift interrogatories minstred on behalfe of Mr. Alvey, as alsoe

against Edward Man, John Lodge, Catharine Lawson, and Elizabeth Dawson, to be more fully examined to the fift interrogatory onely, and likewise against Christofer Coperthwaite, to be examined upon the said interrogatory against the next court. Sep. 18. Mann and Lodge sworne. Letters of monicion against Fenwicke, Lawson, and Dawson, for there appearance within 14 daies. Oct. 2. Man, Lawson, and Dawson did undergoe there examinacions. — *Edward Mann*. Hath seene Blaikeston in time of publike prayers behave in a reverent manner, by boweing of his bodie and bendeing his knees, but for his gesture or deportment of bodie at the rehearsall of the Creed, readeing of the gospell, and at the name of Jesus, he hath not observed. — *Catharine Lawson*. Similiter. — *Elizabeth Dawson*. When she hath observed Blaikeston he did behave himselfe verie reverently, by boweing of his bodie and bendeing his knees at the readeing of the confession, collectes, and other publike prayers, and hath seene him stand at the readeing of the Creede. As for the lettaty,<sup>a</sup> and the boweing at the name of Jesus, she hath not observed. — Oct. 30. At the petition of Mr. Sisson, proctor for Alvey, publicacion decreed of the deposicions of the parties re-examined, and if Fenwicke, Coperthwaite, and Lodge, did not appeare within 15 daies to undergoe examinacion, attachments to be awarded. Nov. 13. Attachments accordingly. — Dec. 3. *George Fenwicke*. Hath lived in Newcastle for the most part of theis 18 or 19 yeares, Beleeveith that the whole towne of Newcastle, and some other places adjoyneing, are accompted all one parish, and not certainly distinguished. Howbeit, examine liveth and soe hath done for foure yeares last in a streete called the Close, reputed by some to be of the parish of St. Nicholas, within the said towne. Sitteth aparte from Blaikeston. Doth joyne in the publike service of God, and hath not observed [&c.] — *John Lodge*. Did never observe Blaikeston his carriage, for his seate is distant a pretty space from examine's, over against him on the other side, and divers people usually stand in the allies or bench before the seates betwixt them. — Dec. 4. The wittnesses, excepteing Coperthwaite, have undergone there fuller examinacion. Publicacion granted, and copies to either party. 1639. Mr. Sisson exhibiteing all actes, in the presence of Mr. Mathew dissenteing, conclusion was decreed. Monicion against Blaikeston to heare sentence. Mar. 12. Dr. Riddell,<sup>b</sup> of counsell for Mr. Alvey, moved the Court to

<sup>a</sup> So, both here and in an erasure. *Letanie* in Fenwick's re-examination.

<sup>b</sup> George Riddell, of York, LL.D., fourth son of Sir Tho. Riddell, of Gateshead. He became judge advocate in the army of the Marquis of Newcastle, and died during the siege of Hull, 1643.



take information and passe sentence. Blakeston being preconized according to the monicion executed at his house, appeared not. Mr. Swinburne being of the counsell for him moved the Court that he was at London about his necessary occasions, and to that purpose a petition was preferred, upon which Anthony Smith made oath in the presence of Dr. Riddell, whoe then and there alledged that Blaikeston declined there sentence, and to that purpose exhibited an allegacion in writeing, upon which Ann Clibburne made oath. Whereupon the Commissioners were pleased againe to assigne there sentence on Thursday, 28th of this moneth, and decreed monicion. And further, upon the motion of Dr. Riddell, condemned Blaikeston in costes retardati processus, which were taxed to 6*l.* 13*s.* 4*d.* Mar. 28. Appeared. The Commissioners having formerly taken information required the counsell for the party promovent to make a brieve recapitulacion of the cause, who then, in the presence of defendante's counsell, opened the whole state thereof. It appeared by the deposicions that Blaikeston had charged Mr. Alvey to have delivered seaven errors in one sermon within Newcastle, and that he had not confirmed to the rites and ceremonies used in the Church of England. Alsoe it appeared by the answeares of Blaikeston upon oath, that he had not received the Holy Communion of the Bodie and Bloud of our Lord and Saviour Jesus Christ at his owne parish church, for 4 or 5 years last past. By which woordes and accusation this Honorable Court conceived that he had scandalized Mr. Alvey in the exequution of his mynisterial office, and by such his nonconformytie, and not receiveing the Holy Communion at his own parish church, had transgressed the laws of this realme. Upon urgeinge the matter of defence and the proofes thereupon by the counsell on the defendante's part, the Commissioners conceived some cause to mitigate the punishment. Therefore he shall make an acknowledgment to Mr. Alvey for chargeing him with delivereing seaven errors in one sermon, and shall make the like acknowledgment of his nonconformytie and not receiveing the Holy Communion at his parish church. He shall be declared excommunicate ipso facto in his parish church. He shall pay to his Majestie for a fine a hundreth pound. Lastly he was condemned in the costes of court, and decreed to stand comitted untill he entered bond to undergoe his submission. The morrow after which sentence Blaikeston by his counsell, in the presence of Mr. Alvey, moved the Rev. Father, Mr. Chancellor, and Mr. Archdeacon Gower, in regarde of his manie and necessarie occasions, to grant him till the first Sundaye in July next for performance of the submission, which by

the consent of Mr. Alvey they graunted, and decreed to stay the denuntiacion of the excommunicacion the meane whilst. 1639. Apr. 23. The counsell of the party promovent exhibited a bill of costes. The Commissioners take time to deleberate for the taxacion thereof. June 11. Upon mocion by Mr. Swinburne, taxacion respited. July 23. Mr. Blaikeston appeared, and the taxacion and performance of submission was againe respited in prox. and he to bring a certificate from Mr. Alvey.

FRANCIS HODGSON, gent. Clandestine marriage. 1636. Mar. 9. Attachment. Ap. 28. Remitted.

CHR. CORBIE. The like. 1636. May 9. Attachment. 1637. Mar. 7. Attachment sine die.

JOHN LISLE, gent., on the promociion of FORTUNE LISLE, his wife. For alimony. 1636. Mar 9. Letters missive. May 24. Phillipp Milborne of Morpeth informed the court that Lysle had gott a fall from his horse, and was unable to travaile soe farre without dainger, and the same was seconded by other credible relacon. Respited till next court. Howbeit, in the meane tyme, and dureing the dependency of this suite, the Commissioners (the said Fortune personally relateing her want) decreed that Lysle should pay unto his wife 40s. monethly for maintenance. June 21. Lysle alledged what he could for himselfe. His wife shall returne and live with him as becomes her to doe, he to use her loveingly and affoord her competent maintenance. The allowance of 40s. the moneth shall cease.

JOHN BRACKENBURY, Esq.<sup>a</sup> and ELIZ. LIGHTON. Professed adultery. 1636. Ap. 28. Attachments. May 24. They had gone forth of the country. 1637. Jan. 10. Remitted to the order of Mr. Chancelor, and to certifie. May 16. Monicion to certify renewed. (To be noe more entred.)

JOHN MOUNT, clerke. Divers misdeameanors. 1636. May 16. Peticion or informacion preferred against him. Appeared, and committed till he enter good bond to aunswear. May 24. Upon his peticion, released. He shall be suspended from the execucion of the mynistry within the dioces of Durham, whereupon he was sett at liberty.

<sup>a</sup> Of Gainford. Baptized 1606. He mar. Jane, dau. of Hugh Selby of Newcastle, merchant.



THOMAS MOORE. Contempt. 1636. May 24. Attachment de novo. Aug. 2. The deputie messinger had arreasted Moore, whoe escaped and was rescued from him by the violence of some men and weomen, against whome he was to give informacion in writeing. Attachments against the rescuers, and warrant renewed against Moore. 1637. Jan. 10. Fled into Scotland. June 20. 20*l*. forfeited, on intimacion of which he had notice. July 18. The like. Sep. 19. By reason of a letter written to Mr. Chancour, the cause was respitted, and an attachment with intimacion decreed, and [the Commissioners] required me to write to Moore, or Edward Moore his sonne, in answeare of the letter. Oct. 24. 20*l*. forfeited. Attachment, with intimacion, directed to Mr. Swinhoe. Dec. 5. 40*l*. forfeited. 1638. Mar. 6. Intimacion published in the parish church of Berwicke. 40*l*. forfeited. Ap. 10. 40*l*. forfeited. May 8. The like. July 10. The like. Sep. 18. Intimacion published in the chapplery of Tweedmouth, in which Moore liveth. 40*l*. forfeited. Oct. 30. The like. Dec. 4. The like. 1639. July 23. Attachment renewed.

PARCIVELL VEPOND. Clandestine marriage. 1636. May 24. Attachment. 1638. Mar. 6. 40*l*. forfeited. June 12. The like. Aug. 16. The like. Dec. 4. Attachment sine die.

RICHARD MENNELL, gent. The like offence and proceedings. 1637. Apr. 18. It appeared by a publique instrument that he was called for his clandestine marriage before Dcr. Easdalle of Yorke, and there punished for the same. Dismissed concerneing the marriage, paieing costs. His contempt is referred to the determination of Mr. Hutton.

ISABELLA TALBUTT. The like offence and proceedings. 1637. Jan. 10. Attachment renewed.

WILLIAM BELL, ISABELL WEBSTER, and ANNE PLEWES. Scandalous wordes. 1636. May 24. Attachments. June 21. George Berry made oath that Plewes was olde and infirme. Commission to Mr. Hutton for heareing and determyneing the cause at Allerton. Aug. 2. Bell and Webster live forth of the jurisdiction.

RICHARD JOHNSON the younger. Clandestine marriage. 1636. June 21. Attachment renewed. 1637. Mar. 7. Referred to Mr. Chancellor. Apr. 1. By Mr. Chancellor's dirreccion the bond was cancelled.

CHRISTOFER HEDWORTH and ANNE, his wife. Contempt. 1636. June 21. Attachments de novo. Oct. 25. Bond of 50*l*. for Anne's appearance forfeited. 1637. Ap. 18. 10*l*. on intimation forfeited by Christofer. May 16. The like. June 20. The like. (5 Mar., 1638. This fyne released in regard of the certificat of divers others.) July 18. 20*l*. forfeited. (5 Mar., 1638. Discharged and released.) Sep. 19. The like. [Like note.] Oct. 24. Both remitted, he entering bond [&c.] Dec. 5. He had not performed Mr. Chancellor his order. 1638. June 12. Remitted, he to enter bond [&c.], yet in regarde he acknowledged his contempt, the Commissioners enjoined him a submission, to be performed in the parish church of Chester, and to certify. [Never certified.] 1639. July 23. Hedworth deade.

JOHN HEDWORTH. Contempt. 1636, June 21. Attachment. Aug. 2. Remitted. Comitt, to remayne in the custodie of the messenger untill he should entere bond and pay costes. Oct. 25. Had escaped. June 20. 10*l*. forfeited. July 18. Remitted. To enter bond and pay costes.

WILLIAM SELBY, Esq.<sup>a</sup> Contempt. 1636. June 21. Attachment. Aug. 2. Appeared by John Sanderson, gent., and remitted upon his entreing bond, paieing costs, which he did.

JOHN WILLIAMSON and JANE STROTHER. Clandestine marriage. 1636. June 21. Attachments. Oct. 25. John appeared for himselfe and his wife, and informed the Commrs. that he was formerlie called for the offence before Mr. Chanceler, whoe then and there acknowledged the same to be true. Dismissed, paieing costs.

MARGARET SPEAREMAN. Contempt. 1636. Aug. 2. Attachment renewed. 1637. Ap. 18. Bond of 50*l*. forfeited (Oct. 24. Discharged upon petition.) May 16. John Tayler alledged that she was in the towne at Awckland yet sicke. Shall be comitt to the messenger's custodie if she can be mett withall, and, if not, attachment. July 18. Had been charged with severall contemptes of ecclesiasticall jurisdiction; and that, haveing once procured her absolucion she relapsed to the sentence of excommunication againe: and when, as she was called by ordinarie lawfull proces before the ecclesiasticall chancelour, she answered she would not come doe what the court would or

<sup>a</sup> I suppose this would be the son and heir-apparent of Sir Wm. Selby of Winton. He was killed in Dec. following by John Trollop of Thornley, in a duel at White Hall Dyke Nook.



could: and that she and others had procured arbitrators to distribute the goodes of Elizabeth Atkinson, her late mother deceased, before any administracion thereof was granted by the ordinarie. She had confessed that she had incurred excommunication, and soe stode in contempt, though with some qualification, and confessed that she and some others the next of kindred to her mother, moved some freindes to arbitrate the differences amongst them, which they did, yet denied that she spoke that she would not come to the court. The Commissioners conceived that, by her contempt and disobedience, she had given great scandall and offence, as alsoe in her practizeing to distribute the deceased's goodes contrarie to lawe. To make acknowledgment of her contempt in the parish church of Tynemouth, and in the consistory of Durham before Mr. Chancelor, and certifie. To pay to his Majestie a fine of 20*l*. (5 Mar., 1638. Fyne discharged, in regard of povertie and other punishment.) Sep. 19. Returned her submission duely exequuted in the parish church of Tynemouth. The other respited untill Mr. Chancelour his comeing home. Dec. 5. Costs taxed to 3*l*., which she paid. 1638. Jan. 16. Had undergone her submission before Mr. Chancelour. Dismissed.

PETER RIDLEY. Same offence and proceeding. Oct. 25. Bond of 50*l*. for appearance forfeited. (5 Mar., 1639. Mitigated. At the tyme of the forfeiture the visitacion was in the towne of Chester, where he lived.) 1637. Mar. 7. Comitted to the messenger untill he should satisfie the order of court, after which to be dismissed.

WILLIAM SHAFTOE. Same offence and proceeding. Oct. 25. Mr. Chancelour transferred the cause itselfe, being for adulterie with Luce Wallace, unto the examinacion of this court. 1637. Mar. 7. Remitted to the examinacion and finall determinacion of the Chancelour. Entered bond to undergoe the same. Apr. 5. Upon an order by Mr. Chancelour, bond cancelled.

TALBOTT LISLE, gent.\* Contempt and unlawfull baptizing his children. 1636. Aug. 2. Attachment. 1637. Jan. 10. 10*l*. forfeited. (5 Mar., 1638. Mitigated to 3*l*., to be paid to the officers, which he did.) Ap. 18. Hath answered articles. Desired to be remitted. The court thought it meet the cause should be reteyned. Bond released, and his owne taken. May

\* Of Barmeston, par. Washington, a steady loyalist. He was great grandson of Percival Lisle of Hart, second son of Sir Humphrey Lisle of Felton, who died 8 Henry VIII.

16. Upon his petition, the cause referred to Mr. Chancellor and the Commrs. on May 23. Which daie he appeared before Mr. Chancellor, Dr. Clarke, Dr. Carr, and Mr. James, whoe, upon his petition, was remitted unto the examinacion and determinacion of Mr. Chancellor. To enter bond. June 20. Had not entered bond nor paid costs. Sep. 19. 10*l*. forfeited. (5 Mar., 1638. Discharged.) Oct. 24. The like. Dec. 5. 20*l*. forfeited. 1638. Mar. 6. Preferred a petition testifieing his submission unto lawe, and desired reference of the cause to Mr. Chancelour. Remitted. 1639. Mar. 23. Satisfied the costes of court to me.

GEORGE SWALWELL.<sup>a</sup> Contempt. 1636. Aug. 2. Attachment. 1637. Jan. 10. Alledged infirmities. Remitted. To enter bond and certify. For not payeing of sesmentes. Ap. 18. Attachment renewed. Sep. 19. Remitted, payeing costes.

PHILLIPP MUTIS, EDW. MOORE, CHRISTOFOR STRANGWAYES, GEO. BURNE, GRACE HUNTER, PHILLIS MOORE, and ELIZ. STORY. Not assisting the messenger. 1636. Aug. 2. Attachments. Oct. 25. Edw. Moore, Mutis, and Strangwaies pleaded inocencie. Dismissed with a monicion, so as they paid costes. Nov. 25. The four others dismissed gratis. [See p. 168.]

MILDRED CLARKE, the wife of Dr. Clarke.<sup>b</sup> Adultery. 1636. Aug. 2. Attachment. (Retracted.)

FRANCIS KILLINGHALL<sup>c</sup> and MARGERY, his pretended wife. Clandestine marriage. 1636. Aug. 2. Attachments. 1637. Jan. 10. Have answered, Killinghall exhibited a supersedeas for his composicion for recusancie onely. The Commrs. took time to deliberate thereupon. Mar. 7. Cause transacted to the ordereing and determinacion of Mr. Chancior. To enter bond to undergoe the same. Oct. 24. A monicion had been awarded for payment of costes. Continued statu quo.

THOMAS BAYTES, gent., on the promocion of the churchwardens of Tynemouth. 1637. Jan. 10. Letters missive. Sep. 19. The infeccion is at Sheels. Oct. 24. The sicknes was at Tyne-mouth. 1638. Jan. 16. Respited by reason of the infeccion.

<sup>a</sup> Probably the seducer to Romanism, who occurs in p. 77.

<sup>b</sup> Gabriel Clarke, a Prebendary, and Archdeacon of Durham, and as such a High Commissioner. He was ejected from his benefices as a malignant.

<sup>c</sup> Brother of William Killinghall of Middleton St. George, Esq., (who died in 1644,) and aged 63 in 1642, when he was a gentleman at Middleton St. George himself.



JOHN BAYLEY. The like offence and proceeding. 1637. July 18. The Commrs., upon his petition, decreed to forbear further prosecution against him in this suite, he depositing the costes of court hitherto untill the end of the cause, which the churchwardens of Tynemouth are to repaire if they faile in the suite.<sup>a</sup>

MICHAEL HALL. Same offence and proceeding. 1637. Mar. 7. Remitted to the ordinarie jurisdiction. June 20. Paid costs. Dismissed.

THOMAS SMIRKE. Private baptismes and marriage. 1637. Jan. 10. Attachment. Mar. 7. Remitted to Mr. Chancelor. June 20. Absolutely refused to answer articles. Comitted to the gaole at Durham untill he should willinglie doe the same. [No more entries until] 1638. Sep. 15. Upon his petition, remitted to Mr. Archdeacon, and upon Mr. Archdeacon's certificate, dated 10 Oct., 1638, bond cancelled.

EDWARD TAYLER. Same offence and proceeding. 1637. May 16. Fledd. July 18. Committed till he entered bond to answer. Sep. 19. Attachment renewed. Dec. 5. In regarde of his poverty, attachment renewed. 1638. June 12. Monished severall times to take his oath to answer, which he refused to doe. Comitted. On the morrow released, on his bond to answer next court. July 10. Appeared not. Attachment. Forfeiture of bond respited on account of his poverty. Dec. 4. Attachment sine die.

THOMAS TEASDALE. Same offence and proceeding. 1637. May 17. Remitted to Mr. Chancellor.

JOHN FAREBARNE. Divers misdemeanours. 1637. Jan. 10. Attachment. Mar. 7. Bond of 50*l.* for appearance forfeited. (5 Mar., 1638. This fyne released in regard he was a poore mynister, and dead, and had left noe estate.)

OLIVER<sup>b</sup> KILLINGWORTH, ANDREW WHITEFIELD,<sup>c</sup> CHARLES CARVILLE, JOHN TAYLER, WM. CLERKE, and ROBT. OTWAY. Divers misdemeanours. 1637. Jan. 10. Letters missive. Mar. 3. Mr. Chancelor, from whom the complaint came, informed the Commrs. that he had received satisfaccion, and that Otway was

<sup>a</sup> I presume that proceedings were pending elsewhere.

<sup>b</sup> A favourite name in the family of Killingworth of Killingworth, par. Long Benton.

<sup>c</sup> Of South Shields, provided a musket in 1619.

innocent of the pretended wrong, and they did dismiss all the rest abovesaid his associates, saveing Whitfeild, soe as they paid there fees. June 20. He had been charged to invade the goods of the church, and to infringe the ecclesiasticall liberties which consist in the priviledg graunted over spirituall matters, and that he did usurpp and take upon him ecclesiasticall jurisdiction, and amongst others did make an order in writeing for distribucion of the goods of Eliz. Atkinson, widdow, late deceased, before any administracion thereof, the cognizance whereof belonged to the Ordinary of the dioces of Durham, or to his vicar generall: and that he and others procured the parties to whome such distribucion was made, to enter severall bondes to performe the order: by meanes whereof he had incurd the sentence of excommunicacion ipso facto. Had confessed that he and others, att the request of the kindred, did meete and made an order as alledged, yett denied that they had anie ill intent to invade [&c.], but onelie for setleing of peace amongst them and preventing of charges. The Commrs. conceived that he had thereby invaded the liberties of the church. He shall be denounced excommunicate ipso facto, shall make acknowledgment of his offence publicquely in the chaple of St. Hild's; shall pay 100 markes to his Majesty; and he is to enter bond to performe [&c.] July 18. The Commrs., takeing into there better consideration the state of the cause, decreed to release the fine, and that he shall make the acknowledgment before Mr. Watt,<sup>a</sup> preacher of Gode's word at St. Hilde's, and pay to the officers of court 10*l*. over and besides the ordinarie charges upon a bill to be taxed. (30 Aug., 1639, the 10*l*. was alsoe remitted upon his promisse to bestow 40*s*. upon Sct. Hilde's church or chappell.) Oct. 24. The Commrs. waved the performance of his submission, and the costes of court were satisfied.

JOHN SILVERTOPP. Contempt. 1637. Mar. 7. Attachment. May 16. Remitted.

Mr. JOHN GIRLINGTON. Contempt. 1637. Mar. 7. Attachment. Ap. 18. Remitted. July 18. Bond of 50*l*. forfeited by not certifying. Aug. 18. Had been from home. Forfeiture retracted, soe as he did now undergoe what he was thereby bound to doe, and paid costes.

CHRISTOFER FLETCHER, clerke, curat of Cleasby. Similiter. 1637. Oct. 24. Could not be apprehended, by reason he fledd into

<sup>a</sup> Lecturer at St. Hilda's Chapel, South Shields, 1637, 1662, and much respected in his day.



his church. Excommunicate. 1638. Aug. 16. Attachment with intimation.

PARCIVELL COLLINGWOOD. Clandestine marriage. 1637. Mar. 7. Attachment. Ap. 18. Was called before Mr. Chancellor for the same. Dismissed.

JOHN HEIGHINGTON, gent., maior, &c. [of Durham] Contempt. 1637. Apr. 18. Attachment. June 20. Appeared, whom his Lordshipp required to attend him and the Commissioners when the court was ended, which being ended his Lordshipp and the Commissioners talked with Mr. Heighington in a private roome, to whom his contempt against Mr. Chanclor was objected, whoe made aunsweare thereunto he did it not to affront Mr. Chanclor, but that there were bona notabilia.<sup>a</sup> Dismissed, yet he shall specifie soe much to Mr. Chanclor before next court. Aug. 15. Offered to make oath that Nicholas Whitfeild the younger had bona notabilia within the dioces of Yorke, by reason whereof he did take administration of his goodes from the prerogative court there. Finally dismissed.

RAPH LAMPTON<sup>b</sup> and DOROTHY SIMPSON. Adultery. 1637. Ap. 18. Attachment. July 18. Notice of the tenor of an intimation left at Urpeth, whether he usually resideth. 20*l.* forfeited by Lampton. Sep. 11. Lampton brought in by force of an attachment. Dismissed for the present for divers reasons, and especially for that he had some speciall busines in hand which required his personall attendance. To appeare upon 10 daies warneing.

SIR ROBERT JACKSON, knight, WILLIAM ORDE, Esq., WM. FENWICKE, Esq., JOHN SALTERSTON, gent., THOMAS ORDE, and GEORGE ORDE. Not payeing there sesments to there parish church. 1637. Ap. 18. Letters missive. May 16. Attachment against all excepteing Sir Robert Jackson, for he was at London, if in the meane time they did not pay there sessmentes to Holy Iland. June 20. Jackson is at London [no more about him]. Attachments renewed against Thomas and Jno. Ourd. Wm. Ourd, Wm. Fenwicke, and John Salterston, are contented to submitt hereafter to the payment of sessements for the

<sup>a</sup> Bona notabilia, or goods to the amount of 5*l.* in two dioceses; so taking their administration into the Prerogative Court of York.

<sup>b</sup> Of Tribley. In 1633 he had married Elizabeth, daughter of . . . Glover, and widow of Ralph Simpson of Piddinghall Garth, gent.; she died in 1635.—Surtees, ii., 201.

chapplerie of Tweedmouth, to the repaire of Holy Iland church, and pay costes, as by note under there handes appeareth. Aug. 15. Costes taxed to 4*l.* a peice. Dec. 5. Wm. Ourd payeth costes moderated by the Chancelor. George Ourd is ould and infirme and cannot travaile to Durham as that time without dainger of his life. 1638. Jan. 15. Mr. Charles Hutton of Berwicke, on behalfe of Fenwicke and Salterston, tendered 4*l.* a peice for costes, with 3*s.* 4*d.* for the letters of monicion awarded for payment thereof. Accepted. George Ourd is dead. July 10. 20*l.* forfeited by Thomas. Dec. 4. The like. 1639. July 23. Attachment renewed.

AN ORDER TOUCHING THE INHABITANTES OF TWEEDMOUTH. 1638. July 10. By the petition of Wm. Ourd, John Saltonston, and Wm. Fenwicke, Esqrs., owners of landes within the chapplerie of Tweedmouth, the Commissioners were informed that the petitioners were called into this court for not contributing towards the repaire of there parish church of Holy Iland, and that all the inhabitants of the chapplery did consent to pay ther proporcionate rates of such charges as should be disbursed toucheing the defence thereof: notwithstanding after the petitioners had taken advice therein, and understood the weaknes of their cause, they submitted themselves to the payment of there assessmentes hereafter, and of the charges of court, and prayed that by order of this honorable court the inhabitants of the chapplery might be enjoyned to contribute proporcionably towards that charge. The Commissioners conceived the petitioners' suite to be verie equitable and ordered that if anie of the inhabitantes (after sight hereof) should refuse to contribute, then proces of contempt to be awarded against such refusers.

ROBERT CLAVERIN on the promocion of BARBAREY CLAVERIN his wife. For alimonie. 1637. May 16. Attachment. July 18. His Lordshipp, upon a letter from Sir John Clavering, signified that Barbarey was a refractarie woeman, and would not be satisfied with what was equal and just. The cause shall cease, yet attachment renewed for costes. Sep. 19. Bond returned for Clavering's appearance. Appeared not. Notwithstanding, for divers reasons, the forfeiture is released, the bond cancelled, and the cause dismissed.

CUTHBERT WATSON.\* Fighteing in the church. 1637. May

\* In 1669, a person of the same name climbed a buttress on the north side of the tower of Bedlington church in his sleep. A passer by called out and awoke the somnambulist, who fell and was killed on the spot. The buttress is called "Watson's Wake."



16. Attachment. July 18. Bond of 50*l.* for appearance forfeited. Sep. 19. George Marshall, the informant, did not prosecute. Dismissed. Forfeiture retracted in regard that at that time the plague was in Bedlington, where he lived.

THOMAS FORSTER. Adulterie. 1637. May 16. Attachment. Sep. 19. Was formerly called for the same offence and punished. Dismissed without payeing anie fees.

WILLIAM DUNNE, LUKE MITFORDE, and WILLIAM APPLEBIE. Clandestine marriages. 1637. May 16. Attachments. July 18. Thomas Chatton swore that Applebie was troubled with an infirmitie and swelleing in his head and face, soe as he was not able to goe abroad about his business. Mr. Chancelor certified that Dunne and Mitforde were called before him and discharged. Sep. 19. Applebie shewed a licence from his Lordshipp's chancellor, and a certificate that he was married accordeingly, though it was forth of the dioces, and a certificate from the minister where he liveth that he had but one child, which was baptized accordeing to lawe. Dismissed.

MARMADUKE TROTTER. Notorious adultery. 1637. May 7. Attachment. June 20. Charged to have accused and blamed the Church of England, in sayeing he would justifie that seaven sacraments ought to be acknowledged and observed in the said church, and that the Lorde's Prayer now used in our church was not redd as it ought, namely, in that petition, "Leadd us not into temptation," whereby he affirmed that they of the said church made God the author of sinne. Alsoe charged with incontinenzie with Jane Forster and Jane Wanles. July 18. Hath answered and denied the accusacion as toucheing the justifeing of seaven sacramentes, or that he spoke anie such wordes as he was charged with, yet confessed that about tenn yeares agoe Jane Forster did charge him that he had begotten of her bodie one bastard childe, and that about twoe yeares since he alsoe comitted incontinenzie with Jane Wanles, for which offences he was heartily sorie. Sep. 19. Witnesses sworne. — *Raph Stobbes* of Westgate, co. Durham, yeoman, aiged 40. Hath known Trotter from his childhood. About Easter last, Trotter happened to be in examine's house\* where he and some others, as Jenkin Mires, Nicholas Stobbs, Raph Buckle, and John Fetherston were drinking aile with examine, which for the most parte he keepeth for saile. Some

\* The other witnesses place the occurrence in Jenkin Mires' house.

conference fell out betwixt Marmaduke Trotter and Nicholas Stobbs toucheing the sacramentes, Marmaduke Trotter and Raph Buckles affirming that there were seaven sacramentes, which Stobbes denied, and said there was but onely twoe. Upon further discourse amongst them, heard Trotter affirme that they, meaneing the Protestantes as he conceived, said not the Lorde's prayer right, in regarde that they used in the end thereof, "Lead us not into temptacion," and he said it should be, "Suffer us not to be lead into temptacion." Fetherston came in after the discourse was begunne amongst them. Beleeveith that Jane Forcer did, about tenn yeares agoe beare a bastard child, which she fathered of the said Trotter. † — *Jenkin alias John Myers* of Stanhopp Parke, yeoman, aiged threscore and sixtene yeares. Hath knowne Trotter from his infancie. On Palme Sunday at night now last past, Trotter and divers others happened to be at this examine's house at Westgate. Trotter and Raph Buckles fell into discourse with Nicholas Stobbs, toucheing matters of religion. Trotter said he lived in some place where they used seaven sacramentes, and said that they which used them would justifie there ought to be soe manie, or in wordes to that effect. He further alledged that the Protestantes said not the Lorde's Prayer right, for that in the end thereof they say, "Lead us not into temptacion," and he saieth that God leadeth noe man into temptacion, but they should desire God not to suffer them to be lead into temptacion. There was presente Raph Buckles, Nicholas Stobbs, John Fetherston, and examine, and noe others. O. — *John Fetherston* of the Westgate, yeoman, aiged 22. On Palme Sunday last chanced to come into the house of *John alias Jenkin Mires* towards night, and there found Trotter, Buckle, and Nicholas Stobbes drinkeing together and reasoneing in matters of religion. Heard Trotter say unto Nicholas Stobbes that wee, meaneing the Protestantes, as he conceived, said not the Lorde's Prayer right, in regarde in the end thereof we say, "Lead us not into temptacion," and he conceived we should say, "Suffer us not to be lead into temptacion," and further said we might be sure that God would not lead anie into temptacion. All which was spoken in the heareing of *John alias Jenkin Myers*, Raph Stobbes, Nicholas Stobbes, Raph Buckle, and noe others. Hath heard that Jane Forster *alias* Forcer [&c.] F — Dec. 5. Peticioned for an end, refuseing all matter of defence. 1638. Jan. 16. It was plainly proved that Trotter affirmed there was seaven sacramentes, and that the Protestantes said not the Lorde's Prayer right, for that [&c.] To make publike acknowledgment of his offence in penitentiall manner, twice in the church at Stanhop and twice at



the marktett crosse there. To pay to his Majestie for a fine 50*l*. To be comitted to warde to remaine in the goale at Durham for three monethes. To certifie the performance of his penance the first court day after his imprisonment. Mar. 6. Certified performance of submission. Dismissed, payeing costes. Ap. 10. Taxacion referred to Mr. Chancelor. [Eight successive attachments by way of renewal for nonappearance to pay.] 1639. July 23. Attachment renewed.

PHILIP OURD. Clandestine marriage. 1637. June 20. Attachment. July 18. Renewed, though not sent forth.

GEORGE ROTHERFOORDE. Similiter. 1637. July 18. Bond of 50*l*. for his appearance forfeited. 1638. July 10. Acknowledged his clandestine marriage and private baptismes. To repaire unto Mr. Yeldard Alvey, clerke, vicar of Newcastle, in which parish Rotherford liveth, whoe is prayed and required to confer with him in pointes of religion, and to indeavoure his conformity to the doctrine of the Church of England, and he is to certifie. Aug. 16. Mr. Yeldard Alvey vivâ voce did certifie that Rotherford had beene with him sundrie times, and did repaire to the church, and was in good hope he would continew thereat. He shall repare to prayers at his Lordshipp chapple, and undergoe a submission in the church.\* Sep. 18. Appeared not. Dec. 4. Was but poore, and had noe meanes. 1639. July 23. 10*l*. forfeited.

CHRISTOFER LITTLE, on the promociion of LANCELOT HODGSON. Layeing violent handes on him. 1637. June 20. Attachment. Sep. 19. Mr. Hodgson was content to remitt the injury done unto himselfe, and alledged that Little did the same rashly and unadvisedly, and not in such manner as he was informed. Ordered that Mr. Hodgson, for his accusacion, shall pay the costes of court. 1638. Jan. 16. Attachment against him for payment renewed.

ALEXANDER VEACH, on the promociion of WILLIAM BOSWELL. For professed adulterie with Ellenor his wife. 1637. June 20. Attachment. July 18. Veach was at London, yet Mr. Sisson did undertake for his appearance in prox. Sep. 19. Appeared not. Attachment renewed. Oct. 24. Appeared. Charged to have publicquely acknowledged that Ellenor, his pretended wife (with whome he had lived for eleaven yeaes), was not his wife

\* This course seems at once to have frightened Rotherford and confirmed him in his old belief.

but his whore, and that he was never married unto her, and that of his owne accord he confirmed the same with an oath and swore [&c.] if ever he was married to her. Further charged that if he were married, yet was the same clandestinely. Dec. 5. Had answered, and denyed he had spoken the wordes, and confessed that he and his wife were lawfully married, and had soe continewed for 10 or 12 yeares, in which time she had borne him 5 or 6 children. 1638. Mar. 6. Compulsaries against Mathew Matland and Catharine his wife, and there made servant. Apr. 10. The messinger had neglected the execution of the former compulsaries. New compulsaries. May 8. At the petition of Mr. Church, exhibiteing his substitucion for Mr. Sisson, conclusion decreed, and sentence assigned in the presence of Mr. Bullocke, proctor for the promovent dissenteing. June 12. Both the parties were at London. July 10. The like. Aug. 16. Boswell restored to his tearme probatory, in regarde he was at London when the same depended, and made oath thereupon. Monicion sub poena 10*l.* to the witnesses. Sep. 18. Mathew Matland and Ellenor Beard appeared, and Matland alledged that his wife was great with childe, and soe could not come, notwithstanding, upon the petition of Mr. Bullocke, the said parties were both of them sworne. — *Mathew Matland* of Newcastle-upon-Tyne, cordiner, aiged 28. Hath knowne Veach for 2 or 3 yeares. Veach and Ellener, his pretended wife, have lived together in Newcastle for 9 or 10 yeares last, in which time she had borne five or six children. About twoe yeares come November, Veach and Ellenor, his pretended wife, hapned to be in examinate's house, and upon some occacion which then happined betwixt Alexander and his pretended wife, he then publicquely swore [&c.] if she were his wife or that he was ever married unto her. There was presente Catharine, examinate's wife, and Ellenor Beard, his servant.\* Veach said also that Ellenor was his whore, and not his wife. Mathew Mautland. — *Ellenor Beard* of Newcastle, spinster, aiged 21. About twoe yeares come Christenmas or before, was then servant unto Matland. In the eavening Veach and his pretended wife hapned to be at her master's house drinkeing a quarte of beare. Upon some difference [&c.] Veach burst forth and of the sudden swore [&c.] + — Dec. 4. Mr. Sisson propounded matter defensive. To prove same. 1639. Feb. 5. Conclusion agreed, his proctor dissenteing. Mar. 12. Appeared not. Monicion renewed, Mr. Sissonn alledgeing he was at London at that time. Costes retardati processus decreed upon the mocion of the counsell on

\* And noe others. — Beard's deposition.



the other side. Mar. 28. Veach his wife alledged he was at London. Apr. 23. Appeared. The Commissioners, with the assistance of Tobyas Swinburne, batchler of lawe, of counsell for the party promovent, and Abraham Colemoore, gent., being of counsell for the party promoted, took informacion. It appeared that Veach had spoken the wordes. Upon mature deliberacion had thereof, and of what could be urged in lawe by the advocates on either partie, the Commissioners conceived that the wordes were spoken extra judicially, and upon some presente passion or anger to his wife, and not otherwise, and soe not proper for the cognizance of this honorable court, and with an unanimous accord decreed finally to dismissee Veach from all further attendance on this honorable court, or trouble in this cause or instance.

CHRISTOFOR DICKIN. Suspicion of adultery. 1637. June 20. Upon complaint of Thomas Rawdon and Eliz. Arckle, attachment decreed, soe as Arckle entered bond. July 18. Dismissed, for the cause appeared to be dependeing before Mr. Chancelor, neyther would the party enter bond.

ELIZABETH HILTON\* and EDWARD KITCHIN. Contempt. 1637. July 18. Attachment. Sep. 19. Bond returned for the appearance of Kitchin, whoe appeared not. Pronounced contumacious, but forfeiture ex gra. was respited till next court. Oct. 24. The messinger had made diligent search for Kitchin but could not find him. Attachments renewed. Dec. 5. Attachment renewed against Hilton. Kitchin remitted to the Archidiaconall jurisdiction, where the contempt was made and not satisfied, it then appeareing that he had purged his contempt in Mr. Chancelor his court. To enter bond and pay costes of court, and in the meane time to be comitted to the custodie of the messinger. It appeared after he had not incurred any contempt in Mr. Archdeacon's court, and soe was finallie dismissed. 1638. Jan. 16. Bond for Hilton's appearance returned. Appeared and petitioned that she might be discharged from further attendance, and alledged that the cause upon which the contempt did arise was satisfied. Certificate of Mr. Chancelor affirming her allegacion to be true. Bond cancelled, and cause finally dismissed. Paied costes of court.

WILLIAM GREENE, gent., JOHN DANBY th'elder, gent., JOHN DANBY the younger, gent., EDWARD DANBY, gent., RICHD.

\* Widow, and executrix of one of the Hiltons of South Shields. Kitchin was her son or brother, and lived at Chirton.

JACKSON, THO. WHITEHEADE,<sup>a</sup> WILLM. PINKENEY, gent., and FRANCIS FOXTON, on the promociion of the CHURCHWARDENS of LEAKE. For not paying there sessmentes towards the flaggeinge and repareing of the church of Leake, and the stalls therein. 1637. July 18. Letters missive. Sep. 9. Greene and John Danby, junior, preferred a petition on the behalfe of themselves and of John Danby th'elder and Edw. Danby, Jackson, and Whitehead, and set forth that the commissioners of the Lord Archbishopp of Yorke, in his quadrinniall visitacion holden for Allertonshire, enjoyned the parties promovent to repare such defectes in the church as were presented unto them, and alsoe enjoyned the churchwardens to give notice unto Mr. Greene and Mr. Danby (haveing twoe auncient quiers as was pretended,<sup>b</sup>) to cause there said quiers to be made decent and cleanelly kept. Cause dismissed and referred to the determinacion of his Lordshipp's said vicar generall. The churchwardens, by ordinary proces, to call them before the said Mr. Chancellor, for deteyning there said assessementes, at there owne suite, if they soe liked, and they shall pay the costes of court hitherto. Pinkney preferred a petition on the behalfe of himselfe and Foxton, purporteing that they were inhabitantes within the chapplery of Nether Silton, and although it was appendant to the parish church of Leake, yet was the same a parochiall chapple, and repared by the inhabitantes of the chapplery, and soe conceived they were not bound to contribute to the repare of the parish church otherwise then accordeing to an auntient order agreed upon in that behalfe, which they are still willing to performe and undergoe. Dismissed and referred to his Lordshipp's said vicar, as in the case of Greene and Danby. Sep. 11. Edward Mottershed, doctor of lawe, of counsell for the parties promoted, and Tobias Swinburne, batchler of lawe, of counsell for the parties promovent, moved the Commrs. to declare there meaneing toucheing the last clause of their orders concerneing the costes of court, which seemed doubtfull whether party should pay the same. Explained that the parties promovent, viz., the churchwardens,

<sup>a</sup> Some of these were mere tenants, the letters being mentioned on the 9 Sep. as directed to Greene and Jno. Danby, jun., their tenants, and others.

<sup>b</sup> The chantries at the east end of the aisles. The parelose screen of that to the north seemed to me to be of Decorated character, very striking and elegant, painted in the Perpendicular period, with birds and flowers, in the same design as a Perpendicular screen at Hornby Castle church is. One of the rich stall-heads of the south chantry was dated 1519. The latter chantry belongs to the Cross Keys farm, an estate of the Church of York, for the purpose of keeping the Five Sisters' window in York Cathedral in repair, as I was informed. One of the stalls has the keys; they were formerly in the east window of the aisle, and are carved on the boulder stones of the estate.



should pay them hitherto. Sep. 19. Monicions had been awarded against the churchwardens for the payment of the costes, taxed to 13*l*. 6*s*. 8*d*.. directed to Wm. Frissell, gent., his Majestie's messinger, and others his deputies. Mr. Will. Bullmer, solicitor for the parties promoted, had executed the letters of monicion upon the churchwardens. Raph Hutton, M.A., being advocate and of counsell for the churchwardens, in the presence of Mr. Tho. Bullocke, proctor for the parties promoted, and of the said Mr. Bulmer, opened the whole state of the cause. The Commrs. retracted there former orders of the 9th and 11th of this moneth, both toucheing the charges and the state of the causes. The churchwardens dismissed and released from the costes, taxed to 13*l*. 6*s*. 8*d*., and every parte thereof, and shall be at liberty to commence suite against the parties promoted, in such manner and place as is proper, and as by there counsell shall be advised.

JOHN KYNDE, clerke. Resisting the messinger. 1637. July 18. Letters missive. Oct. 24. Dismissed.

THOMAS LETHAT (var. LETHWAT), clerke. Divers pretended misdeameanors. 1637. July 18. Letters missive. Sep. 19. Objected that he kept an ayle house, and disorders were done about his house. Gave his Lordshipp satisfaccion after the court was ended, and the Rev. Father, by note, required he should be dismissed, paieing costes.

GEORGE HUNTER. Seditious and scandalous woordes. 1637. July 18. Bond to appeare. Sep. 19. Appeared. Alledged and desired upon the behalfe of the bondesmen they might be released. Bond released, and the bondesmen freed from all endemnity [*sic*] thereby. Hunter comitted to the custody of the messinger untill he entered good bond to answeare. 1638. Jan. 16. Hath entered bond. For divers reasons cause continewd statu quo.

RICHARD CLARKE. Clandestine marriage. 1637. July 18. Attachment. Afterwards it appeared by a certificat from Mr. Chancelor that he was called before him, and soe it was remitted.

JAMES PAGE. Contempt. 1637. Sep. 17. Attachment renewed. For a popish seducer. 1638. Jan. 16. In goale. Cause continewd in prox.

WILLIAM CARR, gent. For abuseing Mr. Macklewyman, clerke,

vicar of Lesbury.<sup>a</sup> 1637. Oct. 24. Letters missive. Dec. 5. Charged that in manifest contempt of the canons, constitutions, and ecclesiasticall lawes of this realme, he did disgracefully nominate, tearme, and call Mr. Macklewyan (being a minister of Gode's word) "theffe, carle, and Gallowaie knave,"<sup>b</sup> and in threatening manner say unto him, "Sirray," in derogacion of his funcion and priesthood;<sup>c</sup> and that he did likewise scandalise Mr. Macklewyan's wife, and called her whore. 1638. Jan. 16. Had answered, and absolutely denied the articles, but confessed he called him "Galloway preist," and not otherwise. Mar. 6. Witnesses sworne. Interrogatories exhibitted. Sworne also to them. — *Robert Gray* of Lesburie, yeoman, aiged 40. Hath knowne Carr from his infancie. About a moneth before Michaellmas last, in harvest time, examine happned to be with others in the Towne feildes of Lesbury, being then imployed by Mr. Macklewyan for leadeing of his corne. Carr came to him, and Mr. Macklewyan and they did reason about there tithes, whereupon Carr did fall into bitter and passionate wordes against Mr. Macklewyan, and amongst others did tearme him "Theife, carle, and Gallowaie knave," and said "Sirra, if yow and I live I will remember yow," and shaked his staffe at him. At that time Carr did alsoe, in very malicious manner, say unto Mr. Mackilwyan that his wife was a whore, and he would prove her one Wilson's whore, and would make Wilson take her by the hand. *Ad Interrog.* Was borne at Haukle, par. Lesbury, where he lived ever since until about 8 yeares now gone, at which time he removed to Lesbury towne. Is a husbandman by his profession and condicion of life. Wisheth alike to them and there cause, haveing noe more referrence to the one then to the other. Is worth 20 markes, his debtes payed. The wordes were spoken in a place called Fareinfall, part of Lesbury feildes, and about tenn of the clocke of the day tyme. + — *Isabell Johnson* of Lesbury, spinster, aiged 30. Being then as yet servant to Mr. Mackilwyan, was imployed and sent a feild to helpe Robert Gray to load the corne of his the said Robert waine, whoe her master got to leade the same. Whilst they were a loadeing the draught, Carr came [&c.] and called her master "Rogue, rascall, theife, and Gallowaie knave," [&c.] *Ad Interrog.* Was borne in Scotland, where she was brought upp and lived for 10 or 12 yeares. About 18 or 20 yeares since

<sup>a</sup> See p. 63.

<sup>b</sup> Robert Brandling called him "Gallayway rogue." See p. 65.

<sup>c</sup> "Sirrah, there's no room for faith, troth, or honesty in this bosom of thine."—Shaks. Hen. IV.



came into England, where she hath lived ever since in severall places as a servaunt. At Whitsontide last came to live with Mr. Mackylwyan, and is hired with him till Whitsontide next. Wisheth noe hurte to Mr. Carre. Howbeit, in the way of trueth and right she wisheth better to her master and his cause then to the other side. Beleeveth that the woordes were spoken in Lesbury feild, in a close belonging to her master as vicar of Lesbury. + — June 12. Allegacion defensive. July 10. Produces to prove it, Robert Carr [Gray.] — *Robert Gray* of Lesbury, aiged 40. Hath knowne Mr. Macklewyan 28 yeares. The contraversie hapned toucheing the titheing of Mr. Macklewyan his corne, in a close in Leasbury feildes. Macklewyan was setting forth the tithe of the corn before Carr came (though examine beleeveth by the relacion of Macklewyan he had notice thereof.) Upon Carr his comeing, he and Macklewyan fell at some wordes about the titheing, and Carr reproved him for setting forth his tithes before he came, and tould Mr. Macklewyan that that close should cost him more money. Carr did fall to raile against Mr. Macklewyan's wife. Mr. Macklewyan answered he was a theife in soe sayeing. Did neither heare nor se Mr. Macklewyan offer or doe anie wronge to Mr. Carr in the setting forth of his tithes, or hindred him in the carreing the same away. + — Sep. 18. It appeared that Carr, in a verie passionate and malicious manner, did speake the wordes. There was an allegacion on his part, though nothings proved thereupon, either materiall or effectuall, to enervate the deposicions. He shall make submission and acknowledgment before twelve of the principall inhabitantes of Leasbury, at such time and place as Mr. Macklewyan shall appointe, and pay the costes. Oct. 30. Submission exequuted. Costes taxed to 10*l*. Monicion to pay same, together with 3*s*. 4*d*. for theis letters of monicion. Dec. 4. Attachment to pay. 1639. Mar. 12. 10*l*. forfeited on intimacion. Mar. 28. 20*l*. forfeited. Excommunicated. Attachment renewed with intimacion as before. July 23. Appeared not. Forfeiture respitted in prox.<sup>a</sup>

PARCIVELL REEDE.<sup>b</sup> Abuseing Mr. Marrowe. 1637. Dec. 5, Attachment. 1638. June 12. Compulsaries against Michael

<sup>a</sup> There seems to be some peculiar leniency in the sentence and proceedings in this case.

<sup>b</sup> A name of some note in tradition. See "The death of Percy Reed," and Scott's "Death of Keeldar," both in Richardson's Table Book, Leg. Div., ii. The "peerless archer Percy Rede," the victim of "the fause-hearted Ha's," who is the hero of these poems, lived at Troughend in Redesdale; and the Parcivell Reede of our record seems to have resided in the same neighbourhood. Isaac Marrowe, jun. succeeded, on the resignation of his father Isaac, to the vicarage of Elsdon, in 1625.

Toppin, Alexander Hall, and Randall, &c. [*sic*] July 10. Desired sentence. Had been charged to have earnestly endeavoured Mr. Isaack Marrowe, clerke, parson of Elsdon, to have removed or passed by the performance of a penance lawfully enjoyed him the said Reede, and when as he could not prevaile, he did breake forth into violent and outrageous tearmes to and against Mr. Marrowe, and tould him "he cared for never a preist of them all;" and at another time, upon the like occacion, in disgracefull manner, did call him "base preist" and "stinkeing custrell,"<sup>a</sup> and did pull him by the beard and uttered divers other reproachfull wordes against him. Had confessed the same to be true. He shall make publique acknowledgment of his offence in the parish church of Elsdon. He shall pay to his Majestie 40*l*. He shall be imprisoned dureing pleasure. July 13. Released by three Commissioners, and hath entered bond to performe his submission. Aug. 16. Anne, his wife, alledged he was sicke, and returned his submission lawfully exequuted. Finally dismissed upon payeing costes.

JOHN WOOD,<sup>b</sup> clerke, parson of Meldon. Neglect of cure there. 1638. Jan. 16. Letters missive. Mar. 6. Appeared. Objected that he had neglected, if not deserted, the cure at Meldon, of which he was parson, and that he had accepted of another cure, on which he lived, and that by lawe he could not hould the same. He shall, before next court, resolve to choise the one wherewith he is to rest satisfied, and the meanewhilst he shall take care that the cure of the other on which he is not resident, may be sufficiently executed by a lawfull minister. Ap. 10. To stand statu quo till Michaelmas. Oct. 30. Mr. Joseph Wood, his brother, made oath that he was lyeing verie daingerously sicke. Dec. 4. Moved that his cure at Meldon was supplied by a sufficient minister, and that he could not personally reside thereon, by reason of the want of an house which he was about to build at his great charge, and that the serveing of the cure and repayreing of the house did take upp the most part, if not all the profittes of the rectorie. Desired that the cause might be referred to the officiall to the Deane and Chapter, in whose jurisdiction Meldon was situate. Cause referred as desired, soe as Mr. Wood payed costes and entered bond to

<sup>a</sup> *Custrown*, a low-born fellow. (Jamieson.) *Custrel*, a great, rough, vulgar fellow. (Yorks. N. Riding. J. R.)

<sup>b</sup> Presented 1610. Ejected 1652. Restored in 1660. Died 1675, 65 years after his presentation. The cure for which he had deserted Meldon was that of Castle Eden. His brother, Joseph Wood, was curate of Greatham. They were sons of William Wood, vicar of the latter place.



undergoe the order of Mr. Officiall. 1639. Feb. 5. The Commrs., in regarde of the poverty of the partie, wished that the fees might be moderated, and referred the taxacion thereof to next court.

FOR CLANDESTINE MARRIAGES and PRIVATE BAPTISMES. 1638. Mar. 6. Attachments. THOMAS SMIRKE. Ap. 10. Absolutely refused to undergoe his oath to answeare three severall times. Comitted to the comon gaole untill he should willingly receive the same. — MICHAELL URPETH. Ap. 10. His wife and children were all sicke soe as he could not conveniently come without prejudice to them. May 8. Had caused the illegitimate childe of Thomas Rames and Anne Thirlway, being a popish recusant, to be baptized in his house, contrary to the lawes of this realme and the Booke of Common Prayer. Shall cause the child to be presented to the parson or curate of the parish church where the same was borne, whoe is required to examine if the said baptism (if anie) be rightly and duely performed, and to doe therein as by the rubricke is lymited. Urpeth to bring a certificate thereof on or before 12 June. — ROBERT THORNETON. May 8. For contempt. Remitted. — JOHN SMITH. Dec. 4. Promised that he would duely repaire to his parish church. To enter bond to do so, and make an acknowledgment. 1639. Mar. 12. Submission exequuted. Dismissed gratis, in regarde of his povertie. — RAPH PEARSON. Ap. 10. Refused, with Smirke, to be sworne. May 8. Sworne. June 12. Bond of 50*l.* for appearance forfeited. (1639. Aug. 30. Remitted by reason of povertie.) Sep. 18. Attachment sine die. Dec. 4. For contempt. Attachment.

SIR EDWARD RADCLIFFE of Dilston, par Corbridge, Bart.<sup>a</sup> Private Baptismes. 1638. Mar. 6. Letters missive.<sup>b</sup> Apr. 10. Letters renewed.<sup>c</sup> May 8. Being preconized, appeared not. The deputy messenger had given him warneing to be heare, the day and place specified in the letters missive. Attachment.

<sup>a</sup> We have very much of the details of this case in the Radclyffe Papers at Greenwich Hospital, and are enabled by the courtesy of John Fenwick, Esq., F.S.A., Newcastle, to use his copies freely in the shape of notes. An excellent memoir of the baronet was communicated by the Rev. James Raine, jun., to the *Archæologia Eliana*, N. S., i.

<sup>b</sup> Bill of expences on the behalfe of the office against Baronett Radcliffe. [The messenger's costs are given in brackets.] Hilary Term. 1637. For the Act of Court 6 Mar. 12*d.* Letters missive, 2*s.* (Service, 18 myles at 8*d.* myle, 12*s.*) Advocate's fee, 10*s.* Proctor's fee, 5*s.*

<sup>c</sup> Easter Term, 1638. Act of Court 10 Apr. 12*d.* Letters missive renewed, 2*s.* (Service, 12*s.*) Act of Court 8 Maii, 12*d.* Letters missive renewed, 2*s.* (Service, 12*s.*) Advocate's fee, 10*s.* Proctor's fee, 5*s.*

June 12. The messenger had sought him, but could not finde him. Attachment renewed with intymacion sub poena, 20*l*. July 10. Cause continewed statu quo.<sup>a</sup> Aug. 16. Upon the motion of Mr. Chancellor, alledgeing that he would write unto Sir Edward, the cause was continewed againe.<sup>b</sup> Sep. 18. Againe respited. Oct. 30. Continewed statu quo. Dec. 4. Intimacion sub poena, 20*l*. decreed.<sup>c</sup> 1639. Feb. 5. Renewed. Mar. 12. Appeared and was monished to atttend next morneing betwixt 9 and 11 of the clocke. Which day he appeared before his Lordshipp, Mr. Chancellor, Doctor Clarke, Mr. Moorecroft, and Mr. James. Articles exhibited by Jonas Moore, substitute for Mr. Sisson. Sworne and monished to undergoe his answeare, and to enter bond to answeare citra prox. Exhibitted his answeares ad statim, which were admitted, and he licenced to retaine a proctor to defend. Constituted Mr. Mathew, and promised to ratifie.<sup>d</sup> Mar. 28. Mr. Sisson, proctor

<sup>a</sup> But see the costs, which disclose an attachment acted upon.

<sup>b</sup> Trinity Term. Act of Court 12 June, 12*d*. Attachment with intymacion, 5*s*. (Service, 18*s*. 8*d*.) Act of Court 10 July, 12*d*. Attachment with intymacion, 5*s*. (Service, 18*s*. 8*d*. His comittment and attendance then, 13*s*. 4*d*.) Act of Court 16 Aug., 12*d*. Advocate's fee, 10*s*. Proctor's fee, 5*s*.

<sup>c</sup> Michaelmas Term. Act of Court 18 Sep., 12*d*. Act of Court 30 Oct., 12*d*. Act of Court 4 Dec., 12*d*. Attachment with intymacion renewed, 5*s*. (Service, 18*s*. 8*d*.) Draweing the articles, 3*s*. 4*d*. Advocate's fee, 10*s*. Proctor's fee, 5*s*.

<sup>d</sup> *Art. 1.* Accordeing to the canons and constitutions ecclesiasticall, and the lawes and statutes of this kingdome, whosoever shalle keepe his childe unbaptised privately, contrary to the dirreccions in the Booke of Common Prayers, or shall not present his childe lawfully baptised in private, in the parish church, to the intent there specified, is to be ecclesiastically censured, corrected, and punished. (*Ans.* Referreth to the canons [&c.], and otherwise beleeveth the same not to be true.)—*2.* Yow, by 2, 3, 4, 5, 6, or 8 yeares last, have beene married, or commonly reputed for such, and have had 1, 2, 3, 4, or 5 children begotten in marriage, on your *said* wife, within the time and parish aforesaid. (For 8 yeares and above hath beene married, within which time the Ladie Radcliffe hath borne twoe children and noe more, which were borne at his mannor house at Dilston.)—*3.* Yow doe keepe your children unchristened, or without the sacrament of baptisme. (Beleeveth that they were christened, though he was not presente thereat.)—*4.* Yow did procure or permitt your children to be privately baptised, and not by the minister of your parish, or other minister lawfully ordayned in the church of England. (Beleeveth, as is articulate, and that the children were baptised in his owne house by the meanes of there mother.)—*5.* Yow did not send them unto your parish church upon some Sundae or festivall day next ensueing, that the minister might certifie the congregacion of the true forme of baptisme by him used, if he baptised it himselfe, or els might examine whether it were truly baptised to the end further specified in the Booke of Common Prayer. (Did not send them, for he did not knowe of any branch in the statutes to compell him thereunto, or at least upon the readeing thereof did not see conceive of the statutes.)—*6.* All the thinges objected, and by yow perpetrated, tend to the manifest contempt of the canons, constitucions, and lawes aforesaid, the scandall of godly ecclesiasticall government, the damage of your owne soule, and evell example of others. (Referreth to lawe and to the canons and constitucions, and otherwise beleeveth the same not to be true.)—*7.* Yow are of the parish of Korbidge, dioc. Durham, prov. Yorke, and jurisdiction of this honorable court. (Beleeveth the same to be true.)—*8.* De premissis laborat publica vox et fama [&c.] (Dicit quod credit de creditis et negat de negatis.)



for the office, and Mr. Swinburne, advocate, did accept of the said office in quantum, and would have gone to conclusion. Notwithstanding, his Lordship and Commrs, upon the petition of Mr. Mathew, assigned him to propound matter defensive in prox, if he will use such tearme.<sup>a</sup> Apr. 23. At the petition of the proctor for Sir Edward, the Rev. Father and Commrs. were pleased ex gra. to assigne him againe to propound matter defensive in prox. June 11. Mr. Mathew exhibitted a matter of defence,<sup>b</sup> which at his petition were admitted, and further exhibitted copies of the artickles and aunswares, upon which his Majestie's Commrs. (at the petition of Mr. Sissons exhibiting all actes and desireing conclusion, Mr. Mathew dissenteing,) were pleased to assigne the same for sentence in prox. Monicion against Sir Edward to heare and see the sentence that day.<sup>c</sup> July 23. Thrice publickly preconized. Appeared not. The messenger made oath that he had left notice at his house and with his servantes. Pronounced contumacious. Bond of 50*l*. formerly entered into forfeited. Decreed excommunicate. Attachment for his appearance in prox.<sup>d</sup> (Oct. 2. Forfeiture discharged.) [Oct. 1. Fyned to his Majesty for the unlawfull baptizinge of his children, 200*l*.<sup>e</sup> Committed upon censure.

<sup>a</sup> Hilary Term, 1638. Act of Court 5 Feb., 12*d*. Attachment with intymacion, 5*s*. (Service, 18*s*. 8*d*.) Act of Court 12 Mar., 12*d*. His oath and aunsware, 2*s*. 4*d*. Copies of articles and aunswares, 3*s*. 4*d*. Act of Court 28 Mar., 1639, 12*d*. Advocate's fee, 10*s*. Proctor's fee, 5*s*.

<sup>b</sup> Mr. Mathews, I have spoken with Sir Edward Ratcliffe by your meanes, and for his and your satisfaction I have drawne a pleadinge to the best of my abilities. What it is you see. The proofoe of the first article in law is Bartel. A de accusat. L. Libellorum n. 12, et post eum Gail. Lib. 1 obser. 62, n. 13 cum ibi citat. The proofoe of the second is 31 Eliz., c. 5, and that is your client's note to me. The truth is, I conceive nether to be armor of proofoe in your cause. For the quotations of our law, apices juris, non sunt attendendi in so supreme a court, where no appellation lays, et ubi proceditur veritate et equitate tm. inspecta. For the statute, I thinke it reaches not to this case of the statute of K. James, where the proviso is for the ecclesiasticall proceedings. So, redime de captum, quam queas minimo.—Yours ever. Edw: Mottershed.

1. The articles are, for their too much generallitie, inconcludent in lawe. They are criminall, and soe penall, and there is noe certaine tyme sett downe, att least noe specificacion of any month wherein the children are said to have beene baptized, as by law is required, soe that by reason of the generallitie, incertaintie, and obscuritie, he cannot legally make his just defence, by shewing his absence at such tyme from such place wherein any such crimes or offences were said to have beene committed. 2. Noe action or informacion was comenced or objected within three yeares after the pretended crimes or offences, in case there were any. And, therefore, by the lawes and statutes of this realme, he is not now to be convented in this honorable courte. 3. Quod premissa fuerunt et sunt vera publica et famosa in locis &c.

<sup>c</sup> Easter Term. Act of Court 23 Apr., 12*d*. Act of Court 11 Jun., 12*d*. Monicion to heare sentence, 3*s*. 4*d*. (Service, 12*s*.) Advocate's fee, 10*s*. Proctor's fee, 5*s*.

<sup>d</sup> Trinity Term. Act of Court 23 July, 12*d*. Attachment and seale, 2*s*. 6*d*. Advocate's fee, 10*s*. Proctor's fee, 5*s*.

<sup>e</sup> Greenwich Hospital papers.

Oct. 2. Bond released. He dismissed.\* Nov. 12. Costes taxed to 10*l.* 7*s.* 10*d.* Messengers bill taxed alsoe to 8*l.* 2*s.* 8*d.* Monicion against Sir Edward to pay the same on 14 Dec., or to appeare 16 Jan. to shew cause why his bond should not be declared forfeited.<sup>b]</sup>

FOR PRIVATE BAPTISMES. 1638. Mar. 6. Letters missive. HENRY WIDDRINGTON, ESQR., and WILLIAM SELBY, ESQR., May 8. Were formerly called before Mr. Chancelor for the same offence and punished. Dismissed. — MARK ERRINGTON, gent. May 8. Referred to Mr. Chancelor. (June 13. Mr. Chancelor certified performance.) — THOMAS RIDLEY. Aug. 16. 20*l.* forfeited. Sep. 18. The like. Dec. 14. The like. 1639. July 23. Attachment renewed. — JOHN WIDDRINGTON. [No more.] — JOHN ERRINGTON. Aug. 16. For contempt. 10*l.* forfeited.

\* Mich. Term. Act of Court 1 Oct., 12*d.* Sentence definitive, 13*s.* 4*d.* (His comittment upon censure, 6*s.* 8*d.* Two dayes attendance, 13*s.* 4*d.*) Act of Court 2 Oct., 12*d.* Interloquutory decree upon releasment of his bond, 5*s.* His dismission, 2*s.* Advocate's fee, 10*s.* Proctor's fee, 5*s.* Draweing the bill of costes, 12*d.* Act of Court 12 Nov., 12*d.*

<sup>b</sup> Greenwich Hospital papers. The particulars of these bills are given above.

"I am of opinion that the parties betweene whom the clandestine marriage was made, may submitt themselves to Mr. Chancelor of Yorke, as vicar general for the whole province, in whatsoever diocesse they live: and upon there submission, the validity of there marriage may be pronounced, for in perpetuum rei memoriam; and for mannor of doeing it, the counsell of an advocate will direct. I can say nothing to the proceedings in the High Commission at Durham, till I see the bookes of the proceedings there. I would advise one from Sir Edward to attend the Comissioners before the day assigned for the payment of charges, and desire respite till the first court day of the next session after Christmasse, that in the meane tyme Sir Edward his counsell may waite upon the Commissioners, which is but an ordinarie favour. Geo: Riddell. Decemb. 10, 1639."

"Sir,—I have taken the paines to come to Durham, where I have received full satisfaction concerninge the proceedings out the severall acts of court expedited against yow, and upon mature consideration find, that there is now noe asylum for yow but to petition favour. In your personall answers yow have confessed that yow had two children borne and christened within these 8 yeares, which I beleive are since your pardon. Those are all yow confesse, and they have proceeded to censure meerly upon your answere: that there is noe more confessed nor prooved, I conceive may be a speciall motive in your petition for a mitigation of your fine of 200*l.*, which is all (tho' too much) I find yow are fined, and I doubt not but yow may make good freindes to my Lord for that purpose. If itt were to purpose, I could tell yow yow have foyled your businesse by want of advice at the first. How much soever they shall please to certifie of your fine into the Exchequer, yow may make meanes to compound there for a greate deale lesse than is certified; it is usuall in these cases. If the Commissioners please to appoint a day of mitigation (as of course they use), I advise yow, in person, to waite of them on that day, and in the interim make my Lord and some other Commissioners your freindes, and, if yow give me notice before the day by letter, I will draw your petition and be ready to doe anie thing as befits. Your counsell and freind, Geo: Riddell. I have likewise deliberated of the bills of charges, and conceive them only the due and necessarie fees of court, and the more readily yow pay them, yow will find more favour. Geo: Riddell. Durham, 3 January, 1639-40."



Aug. 17. Had no notice. Forfeiture retracted. Remitted to Mr. Archdeacon of Durham. — CHRISTOPHER MORPETH, junior. [called Richard after June 12.] July 10. Attachment renewed.

ANTHONY LAPHORNE, clerke. Severall misdemeanors. 1638. Apr. 10. Attachment. May 8. Sworne to answeare articles. May 17. Appeared and presented his answeares, which the Commissioners admitted quatenus &c., though they took time to deliberate whether the same were full or noe. June 12. The counsell for the office admitted of his answeare in quantum. July 10. Mr. Mathias Wrightson sworne. Compulsaries contra testes. — *Mathias Wrightson* of Ebchester, clerke, aiged 39. Hath knowne Mr. Laphorne for 9 or 10 monethes. On a Sunday th'afternoone, about Michaelmas last, Mr. Laphorne came to the church of Ebchester, where examine was and is curate, and tould examine he was comen to preach there, whereupon examine required a sight of his licence to preach, which he shewed. Did suffer him to preach accordeing to his desire. In the handling of his text he fell to inveigh against the non-preacheing ministers, and called them "dumbe dogges, and blinde guides," repeateing the same verie often; and, by way of interrogacion, speakeing to the people, he said, "How many of your for elders, thinke yow, are gone to hell through ignorance and for want of the word preached?" He alsoe in that sermon said that prayers and almes deedes availed notheing to salvation. Mathias Wrightson, cler. — Aug. 16. *Giles Forster*, clerke, curate of Barnardcastle, aiged 49. Hath knowne Mr. Laphorne for one yeare and more. On or about\* 8 Jan., 1636, Laphorne in his sermon that day, preached in the chapple of Barnardcastle, and speakeing of the honor due unto Christ, did quote 2 cap. 10 vers. Epistle to the Philipians, vizt., that at the name of Jesus every knee should bowe, of thinges in heaven &c., and did explaine that the same was not meante of our corporeall knees and that it was sinne and idolatrie to doe it: and, further inlargeing himselfe, did give theis reasones and say that if a man came into his in, and the oastler berubeing his horse heales, if he should name Jesus, the oastler must leave rubeing his horse to bowe his knee; or if anie come to vissitt one lyeing sick in there bedd, and if yow should name Jesus, the sick party must needes rise furth of bedd to bowe his knee. In another sermon preached in the chapple articulate, in some of the moneths<sup>b</sup> of 1636, Mr. Laphorne did say that men repenteing of their sinnes and beleeve, and after keepe the lawe, are justified by faith;

\* The words "or about" struck out of Ralph Moody's deposition.

<sup>b</sup> In December.—Ralph Moody's deposition.

but if they fall into those sinnes againe, are utterly damned, explaineing it by theis or such like comparisons, and speakeing to the people as followeth: "If anie of yow have a servant, childe, or wife, that robb yow of your goodes, runne from yow, be unduetifull unto yow, unchaiste and disloyall, if after upon ther humiliacion and repentance yow doe forgive them and receive them into faviour, if the then they fall againe into there former ill courses, will yow not be readie to send that servant to prison, that child to the house of correccion, or that wife to Bridewell, and keepe them their for ever? And shall not much more God doe soe with us?" On or about<sup>a</sup> the 20th November, 1636, in a sermon publicquely preached by Laphorne in the chapple of Barnardcastle, he did say that it was a sinne and an abhominacion to the Lord that some would not onely provide but dresse there meat on the Lord's day. Giles Foster. — *Raph Moody*, parish clarke of Barnardcastle,<sup>b</sup> aiged 46. Rad: Moodie. — *William Moodie*, parish clarke of Kelloe, aiged 40. Hath knowne Laphorne for twoe yeares. In or about Christenmas, 1636, haveing occacions to goe to Barnardcastle to see his freindes, did then and there upon a Sundaie happen to be at a sermon which Laphorne preached in the afternoone that day in the chapple of Barnardcastle, and he did absolutely speake against the boweing of the knees at the name of Jesus, and said that it was idolatry soe to doe. William Moody. — Sep. 18. *John Dune* of Ebchester, yeoman, aiged 30. Being presente in the parish church of Ebchester on a holy day, the after none of the same day, and on, as he now remembreth, on Sct. Bartholemew day, 1637, where Mr. Laphorne chanced to preach, and speake of the non preacheing ministers as examine conceived, sayeing, "Away with theis dumbe dogges and blinde guides, they, being blind, lead the blind, and soe both shall fall into the ditch of hell." John Dunn. — *Charles Rippon* of Consett, yeoman, aiged 33. Causually heard there would be a sermon in Mugleswick church, and although examine lived in another parish, yet did he goe thereunto to heare the same in regarde of the good report he heard of him whoe was to preach. And on a Sondaie the forenoone in last spring, he and manie others were at the said church, and Mr. Laphorne, as they called him, preached there, and amongst other passages in his sermon he did use the wordes, "Away with the dumbe dogges and blinde guides, for they did leade the people into destruccion and into the ditch of hell." Is induced to beleive that Mr.

<sup>a</sup> "Or about" wanting in Ralph Moody's deposition.

<sup>b</sup> See the case against George Wawdie, p. 14.



Lapthorne did thereby meane of such ministers as weare not preachers, and sayeth that divers of the people there soe understood the same. Examine and manie others did goe that afternoone unto Edmondbyers where Mr. Lapthorne likewise preached, yet in regarde of the great croude of people could not get neare, but heard him againe with a loud voice name "dumb dogges and blinde guides," as he had done in the forenoone. Charles Rippon. — *John Johnson* of Ebchester, yeoman, aiged 28. Mr. Lapthorne did on Sct. Mathew day,<sup>a</sup> gone twelve monethes at Sct. Mathew day last, as he now remembreth, repaire to the church or chapple of Ebchester, where he preached th'afternoone that day. Did heare him speake of blinde guides and there tould them that preacheing was the onely meanes to salvation. He tould the people they lived in blindnes for want of the word preached. Conceived by the drift of his sermon he did more commend the preacheing of the word then the readeing of the word. There were manie present. John Johnson. — *John Fewster* of Ebchester, yeoman, aiged 64. About a year or more gone at Sct. Bartholomew day last, Mr. Lapthorne hapned to preach in the church or chapple of Ebchester on the afternoone, but whether it was on a Sondag or holy day examine remembreth not. Did heare Mr. Lapthorne say, "Yow are ledd by dumb dogges, and blind guides, and yow cannot be saved by prayer, but by the word preached;" all which he uttered in a verie furious and earnest manner, in the presence of all the congregation. John Fewster. — Oct. 16. *Peter Fisher*<sup>b</sup> of Mugleswick, clerke, aiged 62. Mr. Lapthorne came by chance<sup>c</sup> on a Sundaie forenoone, and presently upon his comeing did goe up into the pulpit at Mugleswicke and preached unto the people there, and, amongst other thinges, examine being one of his auditors, did observe and heare him raile and inveigh against nonpreacheing ministers, calleing them "dumbe dogges and blinde guides," twoe or three times repeateing the same, and there said they were all runne headlong into hell, or to the like effect. There were a great multitude or crude of people which were present and heard his sermon. Peter Fisher, cle. — Oct. 30. Mr. Lapthorne constituted Mr. Bullock his proctor. 1639. June 11. Mr. Lapthorne offered a schedule or paper conteyneing, as he

<sup>a</sup> This is in answer to the same article as the depositions of the other witnesses relative to Sct. Bartholomew's day.

<sup>b</sup> Presented 1607. Died 1641.

<sup>c</sup> His intended advent was well known in the neighbourhood.—See Rippon's deposition above.

alleged, his defence with exceptions against the witnesses. Upon inspection and perusal whereof the Commissioners conceived the same to be impertinent and not concludent in law nor formally according to the stile of this court, and soe not admissible. Decreed that he should within 8 dayes make perfect his defence, and exhibitt it if he thought fitt to use the same, and to take forth compulsaries against such witnesses as he would have examined. June 25. Exhibitted same. Compulsaries awarded. July 23. George Sayer, Matthew Stoddart,<sup>a</sup> John Grinwell, and Gawin Readshaw, sworne to prove the matter of defence, and alsoe upon the interrogatories on the other part, and further, being examined, publication decreed.<sup>b</sup>

THOMAS WOOD. A popish seducer. 1638. July 10 Attachment. Sep. 18. Bond of 50*l.* forfeited. Oct. 30. Attachment renewed.

GILBERT SWINHOE, Esq. Contempt. 1638. July 10. The messenger stated that Mr. Swinhoe had not given his assistance in the execution of some warrantes from this court, and had letten Richard Ourd goe whoe was in his custodie upon a warrant from this court. Oct. 30. James Scott affirmed that Mr. S. had done his endeavoure for the apprehencion of Ourd. Appearance excused for the present.

WILLIAM KILLINGHALL, gent., ALLEN AISCOUGH, gent., MARGERY PINKNEY, MARMADUKE WILSON, JOHN SADLER, RICHARD FORSTER, and MR. CASSE, of the parish of Middleton George. Not repaireing of the churchyarde walles there. 1638. July 10. Letters missive against Aiscough, Wilson and Sadler. Aug. 16. The like against the others. Sadler excused by reason of his sonne's infirmitye. Sep. 18. John Killinghall on behalfe of his father and the rest, excepteing Mr. Cass, appeared, to whome it was objected that they were enjoyned formerly to repaire, but

<sup>a</sup> Mathew Stoddart was grandfather of Ambrose Barnes, the Puritan alderman of Newcastle. He lived at Barnardcastle, was an amateur lawyer, and had his own days of fasting and humiliation. To the private meetings holden in his house upon them, the younger Sir Harry Vane resorted. He kept an annual day of thanksgiving, for a deliverance his family received when the floor of a great malting house fell. Upon one of these days, Mr. Rothwell, the famous preacher, gave a discourse from Exodus iii., 2. "The bush burned with fire, and the bush was not consumed."—(MS. Memoir of Barnes.) Mr. Stoddart made his will in 1642, making it a condition of a small bequest of 40*s.* to his daughter Anne and his daughter-in-law Elizabeth, that "they give over wearing gold rings."

<sup>b</sup> Unfortunately the books extend no further.



delayed and denied the same. Remitted to the Archidiaconall jurisdiction.

JAMES HUME, clerke. Divers pretended misdeameanours. 1638. July 10. Letters missive. Aug. 16. Enjoyned to attend my Lord and the Commrs. in the castle.

JOHN SMITH. Clandestine marriage and private baptismes. 1638. Dec. 4. Upon his voluntary promise to repare duely to his parish church, answeare suspended for the present, soe as he entered bond to repare as he professed and made an acknowledgment, and did certifie the same under the minister's hand.

LAWRENCE SAYER, Esq.<sup>a</sup> Contempt. 1638. Dec. 4. Attachment. 1639. Feb. 5. The day before, Mr. Sayer was in towne to have shewen his obedience to the Commrs. and to his Majestie's authority, but in regarde of his necessary occacions then expressed to some of them, desired to be excused this present day, and dismissed this honorable court, for that he conceived he had incurred noe contempt of ordinary jurisdiction, because he never had received or heard of anie ordinary proces. Dismissed, yet he shall have intimacion hereafter to be obedient unto his Majestie's ecclesiasticall lawes, and the lawfull comandes of his ordinary, as became every good subject to doe.

ANTHONY ROBINSON and ROBERT WARDE.<sup>b</sup> Not repayereing the chancell of the parish church of Darneton. 1638. Dec. 4. Referred to the determinacion of Mr. Chanclor.

CUTHBERT PYE and ROBERT WARDHAUGH, Baliffes of the BURROUGH OF MORPETH, and THOMAS PYE and JOHN GREENE, burgesses there. Deteyneing the schoole waiges there. Letters missive upon the informacion and petition of BRYAN HENSHAW,<sup>c</sup> clerke, master of the Free Schoole there, were awarded against them for deteyneing of his salary. 1639. June 11. Cuth. Pye onely appeared, to whome noe articles in writeing on behalfe of Mr. Henshaw were offered, accordeing to lawe and the orders of this court. The said Cuthbert, by Mr. Abraham Colemore, his advocate, moved that his fellowe baliffe and the burgesses might be excused, in regarde they were employed in serious and important occacions for the Kinge's speciall service, and that all

<sup>a</sup> Of Worsall. —See the pedigree in Surtees, iii., 190.

<sup>b</sup> Owners of the prebendal tithes of the dissolved college of Darlington.

<sup>c</sup> Licensed 1618.

the defendantes might be dismissed, both in regard of there present greivance, as alsoe of the many vexatious and causeles suites heretofore moved against them, and others of there corporacion, by Mr. Henshaw, for one and the same cause.<sup>a</sup> Absences excused. Defendants dismissed, with there costes to be payed them by Mr. Henshaw, the party agent.

THOMAS MIDLETON. Esq.<sup>b</sup> Entertayneing in his house un-conformable mynisters. 1639. June 11. Letters missive. July 23. Renewed.

JAMES HOPPER, on the promociion of JAMES HAYTLEY, clerke. Laying violent handes on him. 1639. June 11. Attachment awarded, though not extracted. July 23. Hopper voluntarylie appeared and was sworne to answeare.

<sup>a</sup> BARTH. GAIRE, THO. PYE, GEO. GAIRE, JOHN BULMAN, GAWYN MARSHAL, JOHN WHITE, JOHN WOODRUFFE, CUTHBERT SMITH, CHRISTOPHER DAWSON, and JOHN HESLEHEADE, clerk, on the promociion of BRYAN HENSHAW, schoolmaster of the Free Grammar School of Morpeth. For detaining the school wages from Henshaw, and for other abuses, and injuries by them done against his person, as also for profaning the chapel of All Saints in Morpeth. 1627. Nov. 8. Letters missive were returnable this day. John Bulman, George Gaire, Gawyn Marshal, and John White appeared for themselves, as also on the behalf of Tho. Pye, Barth. Gaire, John Wodruffe, Chr. Dawson, and John Heslehead. The Commissioners had propounded divers peaceable motions, for deciding of strife and dissention betwixt the parties. At the request of Henshaw, and with the consent of the defendants, the determination of all injuries and wrongs whatsoever is left to the order of the Right Hon. the Lord Clifford. Both parties shall interchangeably enter bond in 330*l*. to stand to his Lordship's order and award, and are to certify this court under his Lordship's hand, what he shall do therein.—Hunter's Illustration of Neal's Puritans.

<sup>b</sup> Of Belsay Castle. High Sheriff of Northumberland, 1618, 1634. A great supporter of the Commonwealth. Died about 1651. His nephew, Sir William Middleton, was notorious for harbouring dissenting ministers, during the violence which followed the Restoration.





## APPENDIX A.

THE OFFICE OF THE COMMISSIONERS AGAINST PETER SMART,<sup>a</sup> CLERKE,  
PREBENDARY OF THE CATHEDRALL CHURCH OF DURHAM, FOR PREACH-  
ING A SEDITIOUS SERMON.

[Peter Smart, son of a clergyman in Warwickshire, a batler in Broadgates Hall, Oxford, and afterwards elected student of Christ Church, where he became acquainted with Dr. Wm. James, Dean of Christ Church, who, in 1596, obtained the Deanery of Durham. Was transplanted from Christ Church to the Mastership of the Grammar School at Durham by presentation of Dean James and the Chapter. One of the chaplains of James when Bishop. Prebendary of the 6th stall, 1609, and Rector of Boldon. Removed to the fourth stall, 1614. Bp. James died three years afterwards. Qualified at the second meeting of the High Commissioners of 1625. Attended at 5 out of 31 courts, and signed only one sentence. Qualified under the Commission of 1627, and attended one other court. On Sunday, July 27, 1628, Mr. Smart preached a sermon in the cathedral, against various ceremonies used in the church of Durham, and between two and four in the afternoon of the same day, Dean Hunt and Prebendaries Blakeston, Cosin, and James met in the great chamber of the Deanery, and the proceedings against Mr. Smart commenced.]

DR. JOSEPH MEAD TO SIR MARTIN STUTEVILLE, KT.—On Munday the committee for religion brought into question Montagu, Manwaring, and especially Cosins, for his prayer book, whereof they say there are 3 editions; those he gave in private differing from that which came forth in publick. They are very hot against him, and no matter if they trounce him. He is a most audacious fellow, and I doubt sscarce a sounde Protestant, and takes upon him most impudently to bring superstitious innovations into our church; as for example, Dr. Ward shewed me the other day a letter he had from Durham, wherein were these words:—"Mr. Cosins was so blind at evensong on Candlemas day that he could not see to read prayers in the minster with less than 340 candles, whereof 60 he caused to be placed round about the high altar. Besides, he caused the picture of our Saviour supported by two angells,

<sup>a</sup> This case is placed here in order that a large mass of illustrative matter might be incorporated with it. For a notice of the book referred to as "Hunter" see the Preface. Mr. Smart was probably ancestor of, or nearly connected with the Smarts of Snotterton, co. pal. Of that family, Smart the poet was a member.—See Surtees, iv. 142.



to be sett in the quire upon Bishop Hatfield's tombe. A great part, if not the most of the evil of our church, at this present, is supposed to proceed from him and those he wholly ruleth, as my Lord of Durham, who admireth him."—Christ's Coll., Mar. 29, 1628.—Baker's MSS. xxxii., 388.

MR. PETER SMART, one of the prebendaries of the cathedral church. For preaching in the same church the same day a seditious invective sermon,\* against the decent and allowed ceremonies within the Church of England. July 27. Letter missive in the nature of an attachment. Appeared and delivered his sermon in writing to be copied, affirming he would justifie every particular thereof, which he had published in his sermon that day; and after the same should be copied, would declare upon his oath the same to be a true copy verbatim, as the same was uttered in the pulpit. Which written sermon Mr. Dean, in the presence of the Commrs., did receive, and appointed Mr. Smart to attend him the next day, that the same might be truly copied out. Aug. 7. Acknowledged a recognizance in 200*l.*, and Barnabas Hutchinson and Michael Richardson 100*l.* each apiece, for appearance upon 4 days' warning, and to do what the Commissioners shall enjoin. Aug. 21. Suspended ab ingressu ecclesiæ. Sep. 2. The profits of his prebend sequestrated by the Dean and Chapter, by virtue of their statutes. Gabriel Clarke and John Robson, prebendaries, appointed sequestrators. Oct. 2. Recognizance of himself in 100*l.*, and of Barnabas Hutchinson of Durham, gent., and Chr. Boacke of Billingham, clerk, in 50*l.* each, for his appearance on 23 Oct. Oct. 23. Appeared. Monished to appear on 13 Nov. Nov. 13. Articles admitted. Smart sworne to answer. Decreed the next daie to meete to take the answeres. Nov. 14. Mr Ferdinand Moorecroft, Mr. John Cosin, and Mr. William James did

\* The text was "Psalm 31, part of the 7th verse. In the common translation: 'I have hated them that hold of superstitious vanities.' In the new translation: 'them that regard lying vanities.' In the Geneva translation: 'them that give themselves to deceitful vanities.'" I have given many extracts from this remarkable production as illustrations to Cosin's answer, hereafter. I have also used "A short treatise of altars, altar-furniture, altar-cringing, and musick of all the quire, singing-men and choristers, when the holy communion was administred in the cathedrall church of Durham, by prebendaries and petty-canons, in glorious copes embroidered with images. 1629. Written at the same time by Peter Smart, senior prebendarie of the said church, a little before he was expeld, deprived, degraded and imprisoned for the space of twelve yeares till the second yeare of this present parliament by the Bishops and Commissioners of Durham, London, and York, for preaching against superstitious vanities, and opposing then, and alwayes before, their unlawful innovations, brought into Durham Cathedrall by B. Neal and his chaplains, after the death of B. James, who died in May 1617."

Prefixed to the treatise is a violent but curious and interesting invective against Bp. Neile, written in or after 1641, which I have placed after the proceedings in the parliament of 1628-9.

Kippis says that Smart had not preached in the cathedral church of Durham, though prebendarie of it for seven years, till he preached the sermon for which he was questioned. And that whilst he held and enjoyed his preferment, and his health too, he seldom preached more than once or twice a year.

With respect to the proceedings against Mr. Smart, see Article XIV. of the charges against the Dean and Prebendaries hereafter.

meete in there new library, and toke the answeare of Mr. Smart, in my presence, who desired copies of the articles and answeare, and leave to make more full his answeares. Nov. 27. Appeared not, notwithstanding which, the Commissioners, in favour of his person and place, decreed to expecte him till there next court. Dec. 11. Appeared, and humbly desired that he might have a proctor allowed to answeare for him. Graunted. Mr. Smart did thereupon constitute Mr. Bernabas Hutchinson his proctor. 1629. Jan. 29. The Lordes and Bishoppes of th'other province<sup>a</sup> had taken notice of the cause, and soe it was transmitted unto them.

DR. COSIN TO BISHOP NELLE.—Rt. Rd. and my very Honorable Good Lord, I am full loth to trouble your Lordship, whose cares and employments I know to be so many and so great, but that necessitie constraineth me, I trust I shal plead with your goodness for my pardon. There is a son of Belial (they call him Tho. King, he is commonly here known by the name of Tom Fearner) and a sollicitor of Mr. Smarts at London. He hath invented an incredible slander of me, and informed it to Mr. Attorney Generall of meer purpose to disgrace and load me with troubles. The information is that about 3 quarters of a year since I should deny the King's supremacy, and speak those irreverent words of it which I abhor to name or think. Whereupon Mr. Attorney Generall has been pleased to direct his letters hither to Sir William Bellasis as High Sheriff, and to Mr. Dean of Durham about it, requiring them to let him know what they themselves, or others worthy of credit, upon their examination can say to it; that if the accusation be true he may (as his office is) proceed against me and cause me to be sent for, having already acquainted his Ma: with it, whose high displeasure I have deservedly incurred, unless the matter be but a slander only and vanity. That so it is, I hope Sir Wm. Bellasis and Mr. Dean will manifest both by their own answer and the large testimony I said at that meeting and discourse, wherein I am thus long after by two malicious men accused to have uttered soch strange language. Your Lordship peradventure hath heard of this slander before, for it is now about a month old. In the mean while I am burdened with grief and my soul is disquieted within me, that while I labour with my utmost and faithfull endeavours to serve God and the King in fear and in reverence, while I have ever striven to maintain and set forth the King's most sacred power against them that too boldly contemned it, his excellent Majestie should have any informations against me to the contrary whereby I may not only lose his sacred protection, which my enemies seek, and be thought unworthy of the royal and gracious favours that I have received from his clemency and goodness, but be rankt also among those offenders and spurners against authoritie from whom I ever abhorred. There is none that can avert his will from me, or continue me in his Majestie's gracious opinion better than your Lordship. I have therefore been bold

<sup>a</sup> "Mr. Smart's character, and W. Prynne, at the conclusion of his virulent survey of Dr. Cosin's Hours of Prayer, gave occasion to the convocation of the province of Canterbury, to desire Mr. Smart might be transmitted to Lambeth."—Hunter, 14.



to send your Lordship these enclosed, for your more true and faithfull information against the wickedness of them, that I am affraid neither fear God nor man, humbly beseeching your Lordship, even for your goodness, to say and do for me as in your wisdome you think meet, and as the neecesitie of my abused innocency doth most earnestly beg at your hands; if Mr. Attorney be not yet satisfy'd and his Majesty given to understand what the truth and what my integrity is. I once again ask pardon for this my presuming upon your Lordship's honorable and wonted goodness towards me, and with my continuall prayers for your health I take my leave. Your Lordship's most humble servant,  
JOHN COSIN. Durham, Nov 22, 1628.—Baker's MSS. xxxii., 553.

HOUSE OF COMMONS.\* 1629. Tuesdays the 27 Jan. the kinge sente the bill for tonnage and poundage to have yt reade in the house, which was refused, because the house have resolved to doe nothinge untill some thinge bee broughte to perfection for the setlinge of religion.

They now meane to proceede to remove the favorers and broychers of popery and arminianisme.

And firste they begann to drawe in question Montague, Manwaringe, Cossens, Sibthorpe, and [blank] all which have gotten soe large a pardon, as it extends to pardon them for all offences, whether yt bee againste the kinge or religion, whether spoken by mouthe or published by writinge, and it is so large as they have dispensation for what offence soever.<sup>b</sup>

The house nowe labour to fynde out the providers of these pardons.

Cossens, the 7 sacramentary man, is accused of no lesse then highe treason, lyinge hidde a whole yere (by connivence of some greate men) unpunished: the substance of his accusation is for denyinge the kinge's supremacy of our church, and in takinge from him all power of excommunicatinge, averringe farther that his power therin and the righte hee had was noe greater nor noe more then John his horseman; and yet hee hath procured a certificate to the parliament of his honestie. Yt is thought that Neale Bishop of Wynchester will hardly save his creddite, for settinge a glosse and cloakinge soe foule an offence.

The house begins to question the attorney generall, Sir Robert Heathe, for not presentinge Cossens, and for addinge some thinge of his owne to a message the kinge sent the house by him. Cossens is sente for, and durste not yet appeare, notwithstandinge hee is a convoco-

\* From miuutes of Parliamentary Proceedings in Mr. Walter Young's handwriting among the Allgood MSS. "1628. War<sup>o</sup> Yonge Liber.—This manuscript was founde by me, one the 22th day of Aprill, 1644, in the studye of Walter Younge, Esqr., in his rebellious house of Studcombe, in Devon. Wittnes my haunde the day and yeaere first above written. E: FORTESCUE."

<sup>b</sup> "Our prayer, our desire therefore, to this present assembly of parliament, is but this, *Pereat unus, ne pereamus omnes*. Let Mr. Cosens with all his great abettors and disciples, rather perish with their pardons (which we hear his potent Bishop patron, who should have rather procured them an helter then a pardon, had he any spark of love to your religion in him, hath of late procured) then that both you and we, with both our states and churches should perish by their pardons, which can never expiate nor disannul these great offences."—Narration prefixed to Smart's sermon printed in Scotland, 1628.

ation man. The advantage the house hath against those above named is because there pardens are not inrolled in the Chancery. Q. Whether the king may pardon an offence against the common good. 37 H. 6, fol. 4. Br: Nusance: 15.

The house of parliament is kepte in agitation by Lawde Bb. of London, Neale Bb. of Wynch., and White Bb. of Norwiche. As for Lawde, they canne prove noe other matter against him, but in suffringe erroneos books to passe the presse, and suppressinge goode bookes.

As for Neale, substantiall profes are witnessed againste him, for persuadinge men not to preache against popery:<sup>a</sup> commaunding his chaplen to wryte againste the artycles agreed on in the tyme of Q. Elizabeth.

White's charge is in commendinge Manwaringe's booke for lawfull and orthodoxall, and fitte to bee printed, and framinge an epistle in approbation of yt.

The howse of Commons are nowe (16 of Feb.) siftinge to fynde out whoe were the procurers of the discharge of 10 priestes and Jesuites which were taken a weeke before Christmas att Clerkenwell, of whome one was condemned, but had fryndes whoe gotte him his pardon, and the residue of them, amountinge to 30, escaped. They had hyred an howse, and gotten a compleate corporation from the Holie Father.

Tuesday, Mar. 10. The kinge dissolved the parliament in greate discontente. It is reported that the kinge when hee came to the house to dissolve the parliament, he came with his crowne: all his pentioners and garde attendinge him, which is not usuall.

THE PREFACE TO MR. SMART'S SHORT TREATISE OF ALTARS, &c. See note p. 198.

Thus and then (after the death of Bishop James, in May, 1617) and there (in the cathedrall church of Durham, from which they spread over all England) began the setting up of altars and images, with a multitude of superstitious ceremonies, changing of services, and corruptions of sacraments; which, beginning in Durham, have since that time spread themselves over all the cathedrall, collegiate churches, and colledges in this realme; yea and many parish churches have set up altars, images, and organs, where they were never before since the reigne of K. Philip and Q. Mary; of all such alterations, and popish innovations in our church, Bishop Neale laid the foundation; who, being an old courtier, ambitious, violent, and cruell against all that gainsaid him and opposed his doings: and despairing to climbe to high preferment by learning and preaching (which he could not abide), hee set his minde wholly upon advancing cathedrall pomp, and glorious ceremonies, easier a great deale to be performed and practised by an ignorant ideot, who hath onely the outside of a man, then the making of sermons, or writing books, so that, in few yeares, he got the government of many cathe-

<sup>a</sup> "I have heard," said Mr. Oliver Cromwell, who rose for the first time in the house, "from one Dr. Beard, that Dr. Alablaster hath preached flat popery at St. Pauls cross, and that the Bishop of Winchester (Dr. Neile) commanded him, as his diocesan, to preach nothing to the contrary, &c."



drals: first, Westminster, which once was a bishoprick, and yet hath episcopall jurisdiction; secondly, Rochester; thirdly, Coventry and Lichfield; fourthly, Lincolne; fifthly, Durham; sixthly, Winchester; seventhly, the archbishoprick of Yorke. Thus sate Doctor Richard Neal upon 7 hills, 7 seas; he lorded it upon 7 thrones above thirty yeares, in the last twenty of which he preached not three sermons, which is the principall office of a bishop, as S. Paul teacheth: Yet, at the censure of Doct. Bastwick, he said openly, that he was made bishop by our Lord Jesus Christ, and consecrated by the Holy Ghost: unto what office? and what to doe? to hinder preaching? to persecute orthodoxe and painful preachers? to countenance, cherish, and maintain schismaticall, hereticall, and traitorous Arminians and Papists, Cosin, Linsell, Burgoine, Duncan, &c., to heape livings and church dignities upon his creatures and favourites, idle loiterers, unsatiable cormorants, seven or eight a peece, above all meane and measure: for what good of the church and commonwealth did our Lord Jesus make him bishop, and the Holy Ghost consecrate him? to weare a rochet? to set out ceremonies? to defile the church of God with altars and images? to gather riches by oppression of his tenants, and to play the ravenous wolfe, in devouring so many thousand flocks which he tooke upon him to feed in seven bishopricks, the hundred part of which he never saw, nor one of the thousand ever heard the voice of their lordly shepheard, their bishop, their ghostly father, and the pastor of their soules, as he would be taken to be, being chosen to the office of a bishop by Christ, and consecrated by the Holy Ghost. I have knowne this man about sixty yeares (for we were schoole-fellowes in Westminster), when he was plaine Richard Neal, and I Peter Smart, under Deane Goodman and Doctor Grant; hee was then counted an heavy-headed lubber, put out of that schoole for a dunce, and a droane, as himselfe confessed at his last visitation in Durham, 1627, saying openly in the audiance of many, that the three last yeeres when he was a grammar scholar of Westminster, he made no exercise at all, whereupon it came to passe, said he, that when I went from Westminster to Cambridge, I could not so much as write true orthography (put letters and syllables rightly together in Latin), and I cannot do it yet: What? not make true Latin, being a doctor 60 yeares old, when he had passed through five bishopricks, and was to be translated to Winchester and Yorke, the two greatest in England, after Canterbury. But, howsoever he was an ignorant and unlearned grammarian, he profited better in divinity: he had learning enough to run through seven preferments, seven bishopricks, containing the onehalf of England,\* in all which, his principall care and study was to enrich himself, and his kindred, chaplains, creatures, and favorites, which he made nonresidents, and totquots, heaping upon them all manner of preferments, benefices, and dignities, to the intent they might flaunt it out bravely, and assist him their lord and master courageously, in setting up altars, images, organs, copes, candlesticks, and all manner of massing furniture, especially in persecuting painful preachers, under

\* "This bishop (said Mr. Kirton, in the Parl., 1628), though he hath leapt thorow many bishopricks, yet he hath left popery behind him."—Marginal Note.

the name of puritans, though more conformable then themselves, and in hindring preachers from confuting popish opinions and Arminian doctrines, concerning altars and images, and other superstitious trinkets, with which he pestered the church of Durham, and many other places where he had authority, as remains upon record in the Parliament, 1628, and printed lately, 1641. In the 45 page thus wee reade, Doctor More (the King's chaplaine and prebend of Winchester) called into the House of Commons, saith, he was referred to the Bishop of Winchester (Doct. Neal) to be censured for a sermon preached by him: The Bishop he had heard him preach and deliver many passages against Papists, which pleased King James, but he must not do so now: this and more Doctor More himselfe told me, before Doct. Sibbs: Againe, the Bishop said to him, you have a brother that preacheth against bowing at the holy name of Jesus, and of bowing to the high altar: and that the communion table stood as in ale houses, but he would have them set as high altars: This, Doct. More delivered in writing, to the Parliament: And in page 33 we reade, that Sir Dudley North informed the House how the said Bishop Neale told Doct. More that hee had often heard him preach against Popery\* (which he said was well liked of then), but now you must not doe so, whereupon the Doctor said, that if occasion did serve, he would not spare to do the like now, to whom the Bishop further replied, the times were not the same, and therefore you must not.

Whereupon Sir Rob. Philips said, By this you may guesse, that this Bishop had a hand in setting up those ceremonies in Durham, and that he beares good will towards them, labouring to make Durham and Winchester synonymiaes. This reflects upon his Majesty, said he, as if the King should not be pleased, that men in their sermons should repell popery, pag. 33.

<sup>b</sup> The like D. More told me of Bishop Neal's chaplin, D. Duncan, now prebendary of Durham, how insolently he shooke him up, being an ancient doctor, and prebendary of Winchester, about an high altar to be set up there, and to be bowed unto, as in Durham. But concerning Bishop Neal's protection of his chaplain Cozens, when he was accused of high treason, for denying the King's supremacy, and giving as much authority to the fellow that rubs his horse's heeles, as to his Majesty; you shall have more out of the Diurnal of the said Parliament, 1628, when that article of the impeachment, and the prooffe thereof, shal be examined in its order and place. To conclude, that which Bishop Neale could not doe in his owne person, his chaplains and favourites of the Arminian faction, did in other places: D. Laud, B. of S. David's, B. of Bath and Wels, B. of London, and Archbishop of Canterbury, D. Linsell, Dean of Lichfield, B. of Peterborough, and B. of Hereford, D. Corbet, B. of Oxford, and B. of Norwich, besides his

<sup>a</sup> "The Prince was then in Spain. D. Marshall related as much said to him by the Bishop of Winchester, p. 40."—Marginal Note.

<sup>b</sup> "D. Beard said that D. Alabaster preached flat popery at Paul's Crosse. The Bishop of Winchester commanded him, as he was his diocesan, that he should preach nothing to the contrary, p. 40."—Marginal Note.



followers, B. Wren, B. Mountague, B. Howson, B. Goodman, B. Manwaring, B. White, B. Field, B. Wright, and B. Harsnet, who made this epitaph of himself:—

Samuel Harsnet { Episcopus Cicestrensis Indignus  
Episcopus Norwicensis Indignior  
Archiepis. Eboracensis Indignissimus.

Most true, he lorded it so long til he should have come to grace, but the longer he lived he decreased in grace, he descended from bad to worse, from worse to worst, as he ascended from high to higher, from higher to highest, even the titular grace of a most unworthy Archbishop. All these bishops were zealous maintainers of altars and images, and other superstitious ceremonies depending upon altars, so that B. Neal and B. Laud, with their factious associates and creatures, have become *Nostrī fundi calamitas*, the ruine, the calamity, and misery of the noble church of England, which they have pestered with ceremonies, and corrupted with unlawful innovations, wherewith they have hindred edification and instruction of the people by preaching, so that for the most part they are as ignorant as ever they were in the blinde times of popery. They are as ignorant in the grounds of religion, and as unable to render an account of their faith, as they were when all the service was in Latin before the first reformation, in the reign of K. Edward the Sixt. And how can it otherwise be in those places where liturgies are only read by unlearned curats, or learned loyterers in the ministry, without preaching: or with such scarcity of sermons, not above one in a moneth, nay one in a whole yeare, as it was and is in most parishes, if not all the countrey towns of Wales, and too many in England, where atheisme, profanenesse, or idolatrous popery abound. "No one thing (saith B. White<sup>a</sup>) hath been a greater scandall to our church, than the profane negligence of conformable ministers: then their loosnesse of life, their avarice and ambition in heaping together benefices and promotions, and then a grosse neglect in discharging their duty. On the contrary (saith he), nothing is of greater moment to perswade the people, then when they shall observe their ministers diligent and industrious in serving God, and promoting the salvation of christian soules committed to their charge." O ye reformers of the church, learn this of a Bishop, and amend this fault, which B. Laud would never do.

[1629. Feb. 12. Mr. Smart appeared before Laud, Bishop of London, and others the Commissioners at London. Sworn to answer articles. To answer before his departure from London. "Attended several times, on the register of the High Commission, to answer, but could never get any articles." April 23. Transmitted unto the High Commission at York. His articles against the Dean and Prebendaries of Durham not admitted.<sup>b</sup> June 20. Warrant under the High Commission seal for the

<sup>a</sup> "B. White in his epistle to Archbishop Laud in his Book of the Sabbath."

<sup>b</sup> Article XIV. of the charges against the Dean and Prebendaries. Hunter says that his insolent behaviour at Lambeth "forced the court to exercise some severities upon him, which softened him so as to petition to be removed to the High Commission sitting at York, where he no sooner arrived than he began to domineer, till upon refusing to answer to articles, he was imprisoned."

province of York for his appearance. Sworn to answer articles. 500*l*. forfeited on intimation, and certified into the Exchequer. Nov. Committed to prison<sup>a</sup> till he should make a fuller answer, and enter bond to appear from time to time, and abide the censure of the court.<sup>b</sup>]

Nov. 14. PHIN. HODSON [Chancellor of York] to Mr. FRANCIS BURGONE at his house in Spofurth. "Worthy Sir, Mr. Smart gives great words, magnifies himself infinitely in the advantage he hath against Mr. Dean and all the prebends of your church, for the unlawful proceeding against him, for which, ere it be long, you must all smart. He does prettily threaten us too; nothing but that we can justify the whites. He remains a prisoner till he have made a fuller answer, and entered bond to appear from time to time as he shall be called, and to abide the censure of the court. He disclaims a great part of that which he delivered to you, as a copy of his sermon; for though he wrote it, he did not preach it. He is mad at the burning of his book, and yet disclaims the book to be his that was burnt. He comforts himself that his sermon, though questioned by us, is commended by many wise, religious, and learned men, as namely, my Lordship's Grace of Canterbury, and Judge Yelverton, complains of you, almost as much as of Mr. Cosins, tells a tale of an altar that you built at Yermouth,<sup>c</sup> where none in the church can hear a word that is read; of a reverence done by you to the altar so low, as you could not recover yourself, but fell down upon your nose and made it bleed;<sup>d</sup> that your curate and clerk did the like reverence, but had no harm. It were worth your labour to come and laugh with us at his vanity. And howsoever he pleases himself he will be hard held to it, and either he made bow or break."<sup>e</sup>

[Dec. Committed again. Sworn to answer additional articles. 1630. Aug. 3. Sentence. He shall make a recantation, conceptis verbis, as

<sup>a</sup> Article XV. of the charges.

<sup>b</sup> Letter following.

<sup>c</sup> One Mr. Francis Burgonie, parson of Wermouth, following Mr. Cosens his practises, hath taken away the communion table out of his parish church, and instead thereof, hath erected an altar in the east end of the chancel, made of a grave stone. This stone he hath laid upon a wall, not on a frame: he hath adorned it with gilded hangings round about it, contrary to the communion book. This altar he worshippeth with the bowing of his knee unto it, and there both he and his curate read part of the service, so that most of the people on both sides can neither hear nor see them. This example of Mr. Burgonie many parish churches else are reported to follow, to the great offence of religious people, the great advancement of popery and superstition, which are like to overflow the whole Bishoprick of Durham if they are not in time suppressed. Insomuch that the papists of Durham say openly "The protestants need not labour to bring us to them, for they are coming apace to us." (Art. 12, prefixed to Smart's sermon in 1628.)

<sup>d</sup> "David indeed danced before it [the ark] and by consequence he turned his back toward it (unless he leapt backward all the way in his dance): we read not that he bowed his body to it, or duckt so low as to touch the ground with his nose [as Mr. Burgoine did, who made a bow to his altar so low, that falling on his nose, the blood gusht out. *Contemporary MS. addition.*]—(Mr. Trueman's copy of Smart's sermon, 1628.)

<sup>e</sup> From Hunter.



it shall be delivered to him, in three several places in York and Durham. To be suspended totally ab officio, fined 400*l*. To pay the costs of suit. Committed to prison. Sep. 2. Excommunicated for not performing his submission. Nov. 10. All his ecclesiastical livings sequestered. Nov. 18. Degraded ab omni gradu et dignitate clericali, because he did not recant,<sup>a</sup> and pay costs.<sup>b</sup>]

[In Easter term, Car., 1630, Mr. Smart had brought an action of false imprisonment in the King's Bench against Mr. Hodgson and Dr. Easdale, two of the York Commissioners, and Roger Blanchard, their pursuivant. The action, after seven terms, ended in a long plea by defendants and a demurrer by Mr. Smart, which was never argued. See article 17 of the charges against the Dean and Prebendaries of Durham.]

1632. Apr. 6. SUSANNA SMART to her dearly beloved husband, Mr. PETER SMART.—...[A long religious preamble, ending with a prayer.] Let not the Arminions say, where is now his God: now, Sire, we will come to our worldly busnes, for we marvele that we heere nothinge from you, for I have beene with Mr. Wright,<sup>c</sup> to get him to take this suete in hand, for we had none to go to but him; and he is very sory that ded nothing but rather make it worse the last tarme, for [soe?] I have promised him that no man shall do anything in this busnes but by his derrections, neither my sonne Willyam nor my soonne Ogle.... Mr. Pleasinges for our enemies, and Mr. Heath and Mr. Heath of Ramside all against us, for their is not one man that will shew him selfe in all this country for you but Mr. Wright, for I hard say that he towld Mr. Deane and Doc. Linslay and the Chapter, that he would take your part, and would do all that in him lieth for you: he spack it openly to their faces. And if he had not taken of the new Chanselor for this terme, Chapman had troubled your perrishoners of Bouldon befor now, wheerefor you are much behoulden to him, for our tennantes of Witton is ever going to him, and he never had any thing of me.... And Mr.

<sup>a</sup> Kippis says, he refused to recant "with great scorn."

<sup>b</sup> Articles 15 and 16 of the charges against the Dean and Prebendaries. Carr v. Smart hereafter. Hunter speake of the York sentence as of a "degradation, deprivation of all ecclesiastical benefices, and a fine to his majesty of 500*l*., for which fine he was imprisoned in the King's Bench and never paid any part of it, though during his imprisonment he amassed above 1000*l*. under the pretence of being a persecuted minister, till the House of Commons set him at liberty, 1640."

<sup>c</sup> Of Gray's Inn, and of Lutterington, co. pal. He was a steady adherent of the parliament. The following is the effusion of the loyal curate of St. Helens, Auckland, in the Register.—"Edward Wright, the lawyer, was buried the 11th day of May, 1647. 'Woe unto ye lawyers, for ye have taken away the key of knowledge; yee entered not in yourselves, and them that were entering in yee hindered.' Luke xi. v. 52. Ye have, namely by your arts and usurpation, ye have appropriated unto yourselves the power of expounding the law of God; captivating men's consciences to your opinions, and spoyling them of all liberty of judgment and knowledge.—By the Rev. and godly divine Mr. John Diodati, minister of the Gospel, and now living in Geneva."

Leaver entertained Mr. Thomas Tempest, an honest gentleman, the King's Attorney in the Bishoprick of Durham: and he is a great man with the King's Attorney Generall, Mr. Noye, and may doe you good in this matter, and therefore I pray you talke with him. . . . We must sende my soonne Cooksoonne to York for all your proceedinges in York, with the seeles with them since the beginning, for Mr. Wright saith they are nought without the seeles, and I tould Mr. Wright he could not get them, and he said that he would make affedaved in London that they could not be gotten, and if got Mr. Wright will bringe them up to London with him, and he will come to you and goe with you to all sevillyanes in London to know the truth of their douings, and what is to be done, and how you were used, and that he would be the solister himself. . . . We were talking of a jurye and he said, yf he knew their would be any exceptions, he would speake for an indeffrant jurye of the Judges at London, for we have entertained Mr. Martaine for our attorny, but hath given him nothing, for Mr. Leaver borrowed 10s. the same day that prosses were served of our tenaunts at Witton, and give it to Mr. Tempest, and did entertaine him with Mr. Wright, for they cam on with such an order as they were much greved both of them, and this 10s. not paid because we were disappointed of Witton rentes. And for Boulden rentes your soonne Willyam had when he cam to London and for subsities 6*l.*, and I had 7*l.* the Lady day last, whereof my souden Cocksonn hath 4*l.* to Yorke for these writtings and Danson 40*s.* which he laid fourth at Yorke before Christmas in the sute their, and 8*s.* Mr. Osbuston had sent, for we feared that they would move for to have possession, and so we sente. Mr. Wright did write to Mr. Osbeston, whereof I send you the coppie. And for the rest of the rentes at Bouldon it is in Robert Goodchild's hand, Robert Sparrow, Thomas Carnibe handes and will not paye it to them. And now Mr. Cosing, Mr. Car being at Durham, they went together to York and moved for possession, and Dr. Car was in the court himselfe, and could not gete possession but gote sequestration for Witton rentes and you doe nothing, which we marvel that you and your soonnes is so iddle, for you will not send us word what to doe in any thinge, for you go about trifles, for your enemies doth triumph, and saith they desire no better adversary then you be, and saith your bissnes is not halfe followed, and drink their pottes with merth, saying their pleasure. And Thomas Troloup said that your soone Willyam tould him that you had been with Dr. Barker and he toulde that you might keepe your leveing, but another must serve them, which is very ill done to tell any man, for they will go to Doctor Barker and take him of from you. For Trowlope saith he hath a sute for the Deane and Chapter for an hundreth markes that you owe the church, and you sued the Chapter for a 1000*l.*, and the Dean told Mr. Danson that the Bishop of Wenster and London and Lensall and Cossings doth labour the King that you shall have no right, and the judges they will laybor. For Mr. Comming saith that their is a Commission renewed for the fines for the King which is 900*l.*; he spake it to a frend of yours, and therefore I much mervell what you doe, and so do others that you do not take order in the exchequer for a lettell money, for your sonne Ogle said he could for



a small thing doe it: for sartainly Mr. Comming hath it renewed, and it is to kepe you in that you shall not come to Durham nor to the church, for he saith he will not com willyngly to you but if he see you he must needes do his office, and theirfore I pray you looke to these thinges, and I pray you pay Mr. Wright and Mr. Tempest, for I hope they will do you good in this matter. Mr. Willyam James told Mr. Tonstall that your matter was good, "but your bitter words before the Commicion and other great men ded undoe you," you were so impatient: and I fear, not painge the rente for Witton they will take advantage of us. I pray prevent it yf you can, for I never speake of it but Mr. Lever feers it and bed me never speeke of it. . . . You never sendes us any derections what wee shall do here, nor never a letter. The report that Lensall sent to Cossines [was] that you wer deede, and another report that yon got a fall of your horse and will come down in horse litter. . . . From Witton Gilbert.

P.S. The order which came from York the latter end of it is that if you get the sute in Durham they may remove it to Yorke againe, and we tould Mr. Wright, and he said they would do what they list, but he would labour to take it out of the handes at Yorke, and stay it yf he could. . . . The Arminyans rest not, for they said before they began the sute they knew it would come to this, that it is come for Cossinges labors at Yorke, and Linsell at London, with Neile and Loude and others, but you take no paines.<sup>a</sup>

1632. Aug. Assizes at Durham. Dr. CARRE *v.* Mr. SMART.<sup>b</sup>

Issue, whether Mr. Smart, being degraded, were yet a Prebendary of Durham, or had still any interest in the corps belonging to the 4th prebend.

Lease of the corps produced. Demise to continue "no longer than until the Michaelmas next after his death, resignation, deprivation, cession, or any other lawfull avoydance whatsoever."

Plea. He was still alive, had not resigned his prebend, and was not lawfully deprived of it.

Copies exemplified under the seal of the High Commission, of the censures of the High Commission at York, read, viz., the sentence of suspension, submission, fine, and imprisonment; the sentence of excommunication for not performing his submission; and lastly, the sentence of degradation, for his obstinacy and continued contumacy. In these censures was compendiously contained all his invectives against the service of the church of Durham, and his Majesty's chapel.

Judge Dampont, affected with horror. "Fye upon it, the censure was mild; he deserved to be suspended in another nature, &c."

Mr. Edward Wright, for Mr. Smart, having been his scholar. The Commissioners had no power to use a seal, all their power being granted

<sup>a</sup> From Hunter.

<sup>b</sup> Report in Hunter. The trial was an item in the articles of the House of Commons against the judge, Sir Humphrey Davenport, knt., Lord Chief Baron of the Exchequer, then one of the judges of assize and nisi prius for the county palatine.—Rushworth, iv, 336.

by Act of Parliament, wherein was no mention of a seal. Unless there were witnesses to prove the fact, the sealed instruments were not to be admitted.

Judge Dampont, much offended. It became not Mr. Wright to question the validity of the seal which the King had granted. The act did but declare the power the King had in himself to grant the commission. He who had power to grant a commission, had also power enough to grant a seal. The copies should be admitted and the seal allowed without further cavil or proof of witnesses.

In the sentence of degradation were these words, "degradamus et deponimus eum ab omni ordine, gradu, et dignitate clericali et ecclesiastica et ab omnibus ejusdem clericalibus titulis."

Plea by Mr. Smart's lawyers, but by some of them with a preface that they abhorred his misdemeanors. 1. His censure was insufficient to deprive him of his living or prebend, because it wanted "deprivamus." 2. The Commrs. had power to take away his orders, in the execution whereof he had misdeigned himself, but not his living, which was his freehold in law. 3. Being a layman he was capable to take, and therefore to hold, a prebend. 4. A prebend was no "dignity." 5. When his sentence was read, he was out of the Commissioners' jurisdiction by virtue of his Habeas Corpus.

Mr. Edward Wright added:—1. Dr. Duck's opinion, the Chancellor of London, in scriptis, that the sentence of degradation was insufficient to deprive Mr. Smart of his prebend, because it was a verbal and not an actual or real degradation. 2. To show what a lawful and actual degradation was, the decree of the Council of Trent, whereby he that is to be degraded must have his chalice and priestly garments taken from him.

Mr. Wansford and Sir John Banks, counsel for Dr. Carre. They came not to answer Dr. Duck's opinion, nor the Council of Trent. The sentence of degradation was good and unquestionable in their law. The prebend or any other ecclesiastical living was annexed to holy orders, and one followed the other. "Degradamus et deponimus eum ab omnibus titulis clericalibus," was as much as "deprivamus." However, degradation was as lawful an avoidance of the prebend as deprivation.

The Lord Chief Baron sent for Fitzherbert de Natura Brevium and other law-books into court, whereby he made it plain, that by the common law the censure of degradation was so great that it included that of deprivation. The words of their law were, *Non habet sancta mater ecclesia quod ultra faciat*. The church came to it by degrees, but when she came hither it was the last and sharpest arrow she could shoot, and degradation being once past, there was no use of deprivation. Deprivation was commonly for a particular fault, and from a particular benefice, but degradation for a general (as this fault of Mr. Smart's was general and abusive of the whole church, tending to anarchy both in Church and State) and from all benefices, or any execution of the ministry. If orders be taken away, all benefices, as given for the execution of ecclesiastical offices, are necessarily taken with them. Altar was not to be set up against altar, nor one court against another. So,



as in their courts they looked their sentences should stand, so there was no reason but they should let the sentence of the High Commission stand also. Now, therefore, nothing remained for the church to do, but from the regal power followed a writ de hæretico comburendo, as there should have done for this schismatic de suspendendo. To the 3rd objection, a layman, instituted into a prebend or benefice, was a lawful incumbent in the common law, till the ecclesiastical power had declared him destitute again of the same. To the 4th, my Lord Dyer's report was against it. To the 5th, the Habeas Corpus suspended no jurisdiction of ecclesiastical commissioners. To Mr. Wright's objections he added, that it was strange Dr. Duck would subscribe any writing against the sentence of the High Commission, yet it might have been spared in this pleading, as not belonging to their law. The words, *deponimus et degradamus*, in the present tense were operative enough. The Council of Trent he had better have left alone. To the jury, he concluded that in his conscience Mr. Smart was now as a layman, and had no right in his prebend. He had well deserved this censure, and a greater by far, for his wicked and seditious misdemeanours.

The jury went out, and not very long after brought in their verdict for Mr. Carre.<sup>a</sup>

[The account of this trial in the articles against Davenport contains some additional particulars, and places the trial in August, 7 Car., which would give 1631. It is stated that "the said Sir Humphrey Davenport, contrary to his oath, and contrary to the laws of this realm, and to the destruction of the said Mr. Smart, upon reading the writ de heretico comburendo, did publicly upon the bench declare his opinion to be that the prebend's place was void, and gave directions to the jury then at bar to find accordingly. And, being then informed that although Mr. Smart had been dead, or deprived, yet the profits of his prebend had been due to his executors till the Michaelmas following, Sir Humphrey answered, that though Mr. Smart was not dead, yet, if he had had his desert, he had been dead long ago, for he 'deserved to be hanged' for the sermon, and that he was as wicked a man as any lived in the world: 'call him no more Mr. Smart, but plain Smart.' And when the jury had found against Mr. Smart, Sir Humphrey, in scandal of his majesty's government and justice, and of the proceedings of his majesty's judges, did publicly, as aforesaid, speak words to this effect, 'that the jury had done well, and that Smart had no remedy, save by appeal to the king; and there he should find but cold comfort, for the king would not go against his own prerogative,' upon which the judges and High Commissioners did depend, and, therefore, would not contradict one another's acts."]<sup>b</sup>

[1638. July. Mr. Smart having obtained the King's reference in his

<sup>a</sup> Hunter. "Whereupon he was supplied with 400*l.* a year by subscription from the Puritan party (out of the peculiar contributions at London and elsewhere, gathered up for silenced ministers) which was more than all his preferments amounted to."—Kippis.

<sup>b</sup> Rushw., iv. 336.

behalf, unto Bp. Morton, Secretary Windebank revoked it by a letter to the Bishop, who, upon receipt thereof, sent two pursuivants with a warrant, under the High Commission seal for that province. Apprehended, and carried prisoner to Durham, where he remained prisoner above six weeks. Thence taken prisoner in a cart to London, to the said Secretary, who remanded him prisoner to the King's Bench. About two days after, by the Secretary's command, taken out of his own chamber and put into the common prison, where he remained about a month, and sixteen weeks more close prisoner in his own chamber. He was charged with having been at Glasgow, preaching and instigating the Scots against episcopal government, the truth of which he denied.<sup>a</sup>]

1640. Ap. 22. HOUSE OF COMMONS. Petition from Peter Smart [complaining of Dr. Cousins and others] read. Mr. Secretary Windebank, Mr. Pimpe, Sir Robert Harloe, Sir John Hotham, Mr. Hampden, Mr. Kirton, Mr. Crew, Mr. Ramsey, Sir Wm. Masham, Sir Miles Fleetewood; this select committee is to peruse the whole matter; has power to send for parties and witnesses; to view orders or decrees; to examine by what authority he is committed, and upon what cause he is restrained. To meet this afternoon at five of clock, in the Court of Wards. [Report to be made with all expedition.<sup>b</sup>]

Ap. 28. The committee, being now sine die, ordered to be continued de die in diem, till the business be dispatched.

May 5. Parliament dissolved.

1640. Nov. 10. HOUSE OF COMMONS. The petition of Peter Smart, prisoner in the King's Bench, read, complaining of Dr. Cosins his innovations in the church of Durham, and of his prosecution of Smart in the High Commission Court at York. Referred to the committee to consider Dr. Leighton's<sup>c</sup> petition, who are to consider by whose motions and means Dr. Cosins was preferred to his late dignity, and whether any man complained of here, being a convocation man, may not be sent for by the Serjeant-at-Arms. Mr. Smart may have copies of the records in the King's Bench and High Commission, concerning his business, gratis. Mr. Selden added to the committee.<sup>d</sup>

Nov. 21. Dr. Cousins to be sent for, as a delinquent, by the Serjeant-at-Arms.<sup>e</sup>

Nov. 23. Brought in, to answer to an indictment for saying that the King was not the head of the church, and seducing the King's subjects to be papists.<sup>f</sup>

Nov. 24. Mr. Norton, a divine, deposed that he had a son at Cambridge, and certain fellows of Peter-House endeavoured to seduce him to Popery, pretending that Dr. Cosins would make him a fellow of

<sup>a</sup> Article 18 against the Dean and Chapter.

<sup>b</sup> Journals of the House. The passages in brackets from Rushworth.

<sup>c</sup> A victim of the Star Chamber.—Rushw., iv., 20.

<sup>d</sup> Rushworth. Commons' Journals.

<sup>e</sup> Ibid.

<sup>f</sup> Hunter.



Peter-House, if he would come thither. Was forced to send for his son away. Hath a copy of the arguments that passed between them and his son. The questions in Peter-House Chapel are maintained and held as they are at Rome. Instanced several of them. Dr. Coesons' *Monita pro sacello collegii Sancti Petri Cantabrigiæ* read. Concerning Mr. Norton and those Monita and Dr. Coesens, the whole business referred to the committee for Mr. Smart's petition.<sup>a</sup>

Nov. 28. The petition of John Cosins, Dean of Peterborough, read. Referred to the committee for Mr. Smart's petition, together with other papers.<sup>b</sup>

Nov. 30. The business concerning the images, that were said to be in the cathedral church at Durham, deferred.<sup>c</sup>

Dec. 4. Dr. Cousins, Kilvert, and some other prisoners, were, in respect of Secretary Windebank's flight, denied bail.<sup>d</sup>

1641. Jan. 13. Dr. Easdale, Phineas Hodson, D.D., and Roger Blanchard shall show cause unto this House why they do not pay the moneys adjudged to be paid to Mr. Peter Smart, upon a judgment in the King's Bench against them, at the suit of Smart, about 10 years since.<sup>e</sup>

Jan. 19. Upon Mr. Perd's report from the committee appointed to consider of the bail of those that are in the Serjeant's custody, ordered that Dr. Coesens should be bailed, upon his entering into 2,000*l.* bond, and his sureties in 1,000*l.* apiece, to the Serjeant, for appearance when the House shall appoint.<sup>f</sup>

Jan. 23. Upon Mr. Rowse's report from the committee for Mr. Smart. Resolved, That the proceedings of the High Commission Court of York and Canterbury against Mr. Smart and the fines imposed by them were illegal: That the degradation of Mr. Smart, and his deprivation from his prebend and other livings, were unjust and illegal, and that he ought to be restored to them with the mesne profit: That Dr. Coesens and others, the prosecutors of Mr. Smart, ought to make satisfaction for his damages: That Dr. Coesens is guilty of bringing in superstitious innovations into the church, tending to idolatry, and of speaking of scandalous, scornful, and malicious words against his Majesty's supremacy and the religion established: <sup>g</sup> That Dr. Coesens

<sup>a</sup> Commons' Journals. "Upon a motion made in the House of Commons that Dr. Cosins had enticed a young scholar to popery, he was committed to the Serjeant-at-Arms, to attend daily till the House should call him to a hearing. After 50 days imprisonment, and charges of 20*s.* a day, he came at length to a hearing, when he made it appear, that, being Vice-Chancellor of Cambridge, he had most severely punished that young scholar (whom, upon examination, he had found guilty) by making him recant, and expelling him the University: and to this some of the members bore witness. However, the Doctor had no manner of reparation made him for his great trouble and expenses."—Kippis, quoting *Persecutio Undecima*, p. 23, Nalson, p. 568.

<sup>b</sup> Commons' Journals.

<sup>c</sup> Ibid.

<sup>d</sup> Hunter.

<sup>e</sup> Commons' Journals.—See note of the action under 5 Car. above.

<sup>f</sup> Commons' Journals.

<sup>g</sup> Incredible as it may seem, these are grave resolutions of the Parliament that abolished the Liturgy and Prelacy, and ignored the authority of the King. The

is in the opinion of this house unfit and unworthy to be a governor in either of the Universities, or to continue head or governor of any college, or to hold any ecclesiastical promotions. Referred to the Committee for Mr. Smart to prepare such things as may be transmitted to the Lords, and to consider of some fit way of reparations to Mr. Smart.<sup>a</sup>

Feb. 10. Ordered that the Committee for Mr. Smart's business do meet to-morrow in the afternoon at 2 of the clock, in the Court of Wards, to prepare the charge against Dr. Coesens.<sup>b</sup>

Feb. 20. A committee appointed to consider of the manner of transmitting of the business concerning Mr. Smart to the Lords.<sup>c</sup>

Feb. 21.<sup>d</sup> A report against the Dean and Prebends of Durham, whereof Dr. Cousins is one, and that Mr. Smart shall be put into his Prebendary.

Feb. 22. The transmission of the business touching Mr. Smart, as for matter of form, referred to the Committee for St. Gregory's by Paul's. And the Committee for Mr. Smart to be joined to that Committee.<sup>e</sup>

Mar. 4. The Commons' impeachment against Dr. Cosins and others was read. Re-committed to the Committee for Mr. Smart, and they to meet this afternoon at 2 of clock in the Exchequer Court.<sup>f</sup> Dr. Cousin voted against, for causing 2000*l.* to be spent in Durham for setting up images and other devices and innovations in the church, the holy knife to cut the communion bread, which was also consecrated, picturing our Saviour with a golden beard and a blue cap on his head, the which a Scotsman seeing he said he never knew Christ was his countryman before.<sup>g</sup>

Mar. 6. The title of the charge and impeachment of the Commons against Dr. Cosins and others read, and resolved upon the question. Afterwards 8 articles of the said impeachment were read and voted and passed upon the question. The 9th was totally omitted, by resolution upon the question. There was some debate upon the 10th, and then a business of more public concernment intervening, the further proceeding in that business was deferred till Monday morning.<sup>h</sup>

Mar. 9. The rest of the articles against Dr. Cosins and others were read, and every one particularly voted and resolved upon the question, and ordered to be engrossed.<sup>i</sup>

Mar. 11. The articles engrossed were read. This title, these articles, and conclusion of these articles thus engrossed and now read, shall be the articles of the Commons' declaration and impeachment of Dr. Cosins and others, to be transferred to the Lords, whereby there are impeached of divers crimes and misdemeanours. Mr. Rowse to go with them to the Lords.<sup>j</sup>

members for Northumberland were Henry Piercy, William Widdrington; for Newcastle, Henry Anderson, Knt., John Blaxton, Esq.; for Berwick, Thomas Widdrington, Knt., Robert Scowen, Esq.; for Morpeth, John Fenwick, Esq., William Carnaby, Knt.; Durham did not send members.

<sup>a</sup> Commons' Journals.

<sup>b</sup> Ibid.

<sup>c</sup> Rushw., iv., 193.

<sup>d</sup> A Sunday. The Journals omit this minute, which is from Hunter. There was, of course, no sitting on the day in question.

<sup>e</sup> Commons' Journals.

<sup>f</sup> Ibid.

<sup>g</sup> Hunter.

<sup>h</sup> Commons' Journals.

<sup>i</sup> Ibid.

<sup>j</sup> Ibid.



Mar. 16. Sir Arthur Ingram appointed to go up to the Lords to desire a conference by a Committee of both Houses, so soon as shall stand with their Lordships conveniency, touching the transmitting of the charge against Dr. Cosen and others. Mr. Rowse and Mr. Potts are to go up with this charge and manage this conference.<sup>a</sup>

House of Lords. The Lords will give a meeting presently in the Painted Chamber, as is desired. The Lord Privy Seal, the Earl of Bath, the Lord Viscount Say and Seale, and the Lord Bishop of Lincoln, to be reporters of the conference.<sup>b</sup>

House of Commons. Sir Arthur brings answer.<sup>c</sup>

Mar. 16. Mr. Rouse carried up the impeachment to the Lords. "Which Mr. Smart (spake he) was a proto-martyr, or first confessor of note, in the late days of persecution. When a great man is coming, his sumpters, his furniture, his provisions, go before. The Pope's furniture, altars and copes, pictures and images are come before; and (if we believe Doctor Cosins) the very substance of the mass; a certain sign that the Pope was not far off. Now these fore-runners being come, if any man resist them, fire comes out of the brambles, and devours the cedars of Lebanon; the army of the priests falls upon him with their arms of suspension, sequestration, excommunication, degradation, and deprivation. And by these arms hath Mr. Smart been oppressed and undone. He falls upon their superstitions and innovations, and they fall upon him with their arms, they beat him down, yet they pull him up by the roots, taking away all his means of maintenance and living; yet they leave him life to feel his miseries. And now it is prayed, That as these delinquents, by the cruel oppressions of Mr. Smart, have advanced the cause of Popery, so they may in such a degree of justice be punished; that in them priestly cruelty and the very cause of popery may appear to be punished and suppressed; and that Mr. Smart, suffering for the cause of Protestancy, may be so repaired, that in him pious constancy and the very cause of Protestancy may appear to be righted and repaired."<sup>d</sup>

<sup>a</sup> Commons' Journals.

<sup>b</sup> Lords' Journals.

<sup>c</sup> Commons' Journals.

<sup>d</sup> See the whole speech in Rushw., iv. 210. It was printed separately. "A speech made before the Lords in the Upper House, by Francis Rous, Esquire, March 16th, 1640, against Dr. Cossens, Dr. Maynwaring, and Dr. Beale, upon the complaint of Mr. Peter Smart. At London. Printed for John Wright, junior, MDCXLI." In the same year we have a singular satirical production. "The copy of a letter sent from John Lord Finch, late Lord Keeper, to his friend Dr. Cozens, with a commemoration of the favours Dr. Cozens shewed him in his Vice Chancellorship. Unto which is annexed a good Admonition to Protestants. Printed in the year 1641." "If I had stayed any longer, they would have put the poore Finch in a cage, and have made me sing prick-song there.—What, does your chapel retain its former ornaments? Does the crucifix remain? and do the pictures and graven images adorn it still, as in my time? Does the altar stand still? or do not nefarious persons wish you sacrificed thereon? Does the triple crown, which you erected in Saint Marie's, illustrate still the vulgar speculation?—I will contract myself in a compendary epitomy of my thanks unto you for all your favours shewn me since the last time I was at the University, for letting me kiss the Virgin Mary's picture, and the Pope's head, and for innumerable other curtesies."

[It will be convenient to append to the articles carried up by the Commons, the answer shortly afterwards given by Dr. Cosin. It must be premised that a singular discrepancy exists with regard to the articles. Rushworth and Hunter both give, as read by Mr. Rouse, a set of articles against Dr. Cosin personally. His answers, as given by Hunter, disagree with those articles both in number and in substance. A contemporary publication, in small quarto, gives Mr. Rouse's articles as against the Dean and Chapter generally, and these are what Dr. Cosin answered. I have not had a perfect copy of this publication before me, and give the first three or four articles in a compressed form from the minutes of their hearing in the Lords' Journals. I suspect that Rushworth's articles are those brought in against Dr. Cosin in the earlier stages of this Parliament, when the proceedings were against him alone. In the notes I have given copious extracts from these articles, and from Smart's Sermon, and Treatise of Altars in illustration of the text. I have also used the articles prefixed to the Scotch edition of the sermon, and these I quote as the articles of 1628. And I occasionally amplify Cosin's answers by extracts from his letter written at Paris in 1658, and published in Heylin. The whole matter is thus fully before the reader, and he will probably rise from its perusal in much of the same mind as Kippis, who thus sagely disposes of the subject:—"Upon the whole, therefore, as we cannot, on the one hand, enough wonder at the weakness of Dr. Cosin, for inventing and pressing the observance of such ceremonies and insignificant things, as some of those above mentioned: so, on the other hand, who can be sufficiently amazed at the confidence of P. Smart, in charging the Doctor with things which he could so easily disprove."]

ART. 1. Concerning the placing of an altar in Durham church, and taking away the Communion Table. (Mr. Wright produced in proof).<sup>a</sup>

THE MOST HUMBLE ANSWER of John Cosin, clerk, one of the Prebendaries of Durham, to the declaration and impeachment exhibited by the Commons, upon the complaint of Peter Smart, late Prebendary of Durham.—The integrity of his own conscience doth assure him that he is not guilty either of reducing any Popish superstitions into this Church of England, or of uttering any scandalous words against the religion reformed and established therein, or of the least disloyal thought or speaking against his majesty's supremacy.

ANS. 1. Denieth that he took away the communion table of that cathedral church,<sup>b</sup> or erected an altar of stone set upon columns, with

<sup>a</sup> Lords' Journals, 1641, p. 313.

<sup>b</sup> "He was the first man that caused the communion table in the church of Durham to be removed and set altar-wise, in the erecting and beautifying whereof he (being then treasurer) expended 200*l*."—Art. 1 in Rushworth.

"Have you not churches at home in your own parishes not yet polluted with idols, and communion tables not yet changed into altars? Stay at home, in the name of God, till things be amended and reduced to the state and form they were in our less ceremonious and more preaching Bishop's time."—Smart's Sermon.



cherubim thereupon,\* or placed a carved and gilded screen over the same, or brought in any the copes, organs, images, and pictures men-

"The law is this:—The communion table (not altar) shall stand in the body of the church or chancel, where morning and evening prayer be appointed to be said, and the minister shall stand at the north side of the table. Therefore our communion table must stand, as it had wont to do, in the midst of the quire, not at the east end, as far as is possible from the people, where no part at all of evening prayer is ever said, and but a piece of the morning, and that never till of late. Neither must the table be placed along from north to south, as the altar is set, but from east to west, as the custom is of all reformed churches, otherwise the minister cannot stand at the north side, there being neither side toward the north. And I trow there are but two sides of a long table, and two ends: make it square, and then it will have four sides, and no end, or four ends, and no side at which any minister can stand to celebrate. I confess it is not material which way a man turn his face, when he ministers and prayeth, if it be left as a thing indifferent, without superstition."—*Ibid.*

"Our good princes and learned bishops appointed the table to be placed in the midst of the church, to be moveable, fastened neither to wall nor floor, the ends standing from east to west, as I said before.—Which make me to wonder at the presumptuous boldness of him or them, which immediately after the death of our last learned Bishop, before we had another, about 11 years ago, took upon him (I know not by what authority) to alter the situation of the communion table from the old manner of standing which it kept in all bishops' time, from the beginning of Queen Elizabeth's reign, save only when the rebels possessed this church, and sang mass therein."—*Ibid.*

"The rubric and canon command that the communion table shall stand in the body of the church [&c.], and it must stand covered with a carpet of silk or other decent stuff, with a fair linen cloth at the time of the administration.—Therefore the table (not altar) must not be removed [&c.]: it must not have a costly velvet cloth with gold fringe and imbroydered with images: much less may it have Bp. Neale's precious golden pall to cover the altar, having upon it the false story of the assumption of our Lady, then which a more abominable idol all popery cannot show. Neither must it be a sumptuous altar of stone, gilded, painted, and polished bravely, fastened to the ground, having crosses, crucifixes, corporasses, basons, tapers, or candlesticks set upon it; which by name are forbidden in the 23 injunction. And never can I find them allowed in any well-reformed church: sure I am, they were never in Durham church till Bp. Neale came to that bishoprick, 1617."—*Smart's Treatise of Altars.*

"Bishop Neale's chaplains have taught the people in their sermons, that too much cost cannot be bestowed upon Christ, that is, the church and church ornaments, brave altars, rich altar-furniture, gorgeous vestments, sumptuous organs, glorious glass-windows, painted, gilded, and garnished images, and other excessive bravery, vain and unnecessary, which hath cost the church of Durham above 2,000*l.*, wringed out of poor men's purses, to the utter undoing of many poor tenants."—*Ibid.*

"The church shineth in trimly-decked walls, but in the poor members of Christ it is naked and needy (worse now in Durham than in the time of popery *in margine*)—whereby the people learn to condemn their own parish churches, because they are plain and simple, after the old fashion, handsome enough and decent, though not so proud and stately, not brave and magnificent, as this cathedral abbey, as now it is adorned passing gaily with paintings and gildings. This foul error is thus refuted by Dr. Morton, now Bishop of Lichfield [afterwards of Durham], in his appeal. If any haply shall condemn the worship of God because it is not sumptuous, he shall but renew an old infestered superstition of the Jews, who esteemed an altar built of unhewn stones to be but a profane and polluted thing, as Jerome hath observed upon the first of Malachi—the people of Israel, returning home from the captivity of Babylon, built an altar of rough stones, before there was a temple, or walls of a city: Esdra 1., and they esteemed their religion contemptible, because the ornaments of the temple were wanting: to whom God speaketh by the prophet Malachi."—*Ibid.*

\* "A marble altar with cherubins, which cost 2,000*l.*"—*Fuller's Abridgement of the Charges in his Church Hist.*, bk. xi., p. 173.

tioned, or made any unlawful alterations. But the communion table now in use (upon the feet whereof some small portraitures are drawn) with the said copes and organs, were placed long before defendant's time, and while the complainant, Mr. Smart, was prebendary, who contributed his part towards the charge thereof, as defendant hath been informed and doubteth not to prove. Neither are any of the prebends-residentiary now surviving in whose time the said communion table of stone, the carved screen, and the copes were brought into that church, but only Mr. Smart and Ferdinando Moorcroft. The images and pictures in Art. 1 mentioned (except these in Art. 7 concerning the font), have been, by all probability, beyond the memory of men. In the furniture or alterations (besides necessary repairs) of the church there was not expended, between defendant's coming in to be prebendary and Mr. Smart's sermon, above 200*l.*, which was chiefly laid out in procuring books for the quire, with a cloth and cushion for the pulpit and plate for the communion: towards all which furniture<sup>a</sup> Mr. Smart also did allow his proportion for the charge (as may be seen in the register) with the same readiness of consent that other prebendaries did.

ART. 2. Concerning Dr. Cosens bowing and officiating towards the East, with his back to the people, and several other postures which he used before the altar. (Witnesses, Wm. Wright, Ant. Allen, John Lovely, Wm. Smith.)<sup>b</sup>

Ans. Denieth any frequent bowing,<sup>c</sup> or increase of bowings, or any bowing at all to the said table, and holdeth it altogether unlawful to be

<sup>a</sup> "By the public accounts it (the communion table) did not appear to have cost above the tenth part of what is pretended, appurtenances and all."—Cosin's Letter from Paris, 1658.—(The accusation was evidently an expenditure of 2,000*l.*, as Fuller states.)

<sup>b</sup> Lords' Journals. The answer unites Articles 1 and 2. See p. 219.

<sup>c</sup> "He used extraordinary bowings to it."—Art. 3 in Rushw.

"I have seen, I have seen, I say, the priest (so he will needs be called) take up the Body and Blood after consecration, and holding them in his hands, make a low leg to the altar, and, before he setteth them down again, bows himself devoutly, and worships the altar. He yielded no reverence at all to Christ's Body, neither when he held it in his own, nor when he delivered it into the receiver's hand. The altar is every day worshipped with ducking to it, though there be no communion, nor any man there. Christ's Body is not worshipped in ducking, no, not at the communion."—Smart's Sermon.

"Duck no more to our altar when you come in and go out. How dare you disobey God, nay mock God, as the priest doth, who stands at the altar in a cope, and there reads with a loud voice: 'Thou shalt not bow down to them, nor worship them,' and as soon as he hath done reading, as when he began to read, he turns him about, bows down again, and worships the altar."—*Ibid.*

"Bp. Neal's chaplains, Cosin, Linsell, James, Duncan, &c., call bowing to the altar a comely gesture, and they practise it very often and profoundly, especially at their coming in and going out, as if they would salute God, making a low leg before they kneel down to pray; and, when they have done prayer, going out of the church, turn back to look on the altar, towards which they make another profound leg, taking as it were their leave of God, and departing from God, whom they leave at the altar."—Contents of Smart's Treatise of Altars.



done. Bnt hath used gesture of humility, abbaissance, or bowing of the body at going out or coming into the church in reverence to God Almighty, as he found it in practice at his first coming thither, and as he hath been credibly informed, constantly used for divers years before, by the Bishop, Dean, and prebendaries that were there, and hath been since approved and practised by all their successors. Never required or moved any one thereunto.<sup>a</sup>

Denieth that he did ever officiate with face purposely towards the East.<sup>b</sup> But he constantly stood at the north side or end of the table to read and perform all parts of the communion service there; saving that the bread and wine being usually placed in the middle of the table, which is about seven foot in length, he might haply do as others did there before him, (though he remembreth not to have so done these twelve years) and step to the former part thereof, to consecrate and bless those elements, which otherwise he could not conveniently reach; in the mean while many of the communicants kneeling as they used to do, very near to the table within the rails,<sup>c</sup> on either hand of defendant, whose back was not then towards more of the people, then it would have been, if he had for that small space of time stood still at the north side of the table; whereunto he always returned immediately after distribution was made by him unto the communicants at their several forms.

<sup>a</sup> "He [Cosin] hath violently inforced the observation of those ceremonies, going about the church like a mad man, thrusting some out by the head and shoulders, calling them pagans, when they stood quietly hearing service, and refusing to observe his popish ceremonies."—First Part of Art. 12 of 1628.

"He compelled others to do it, using violence to the persons of them that refused so to do. For instance, once some omitting it, he comes out of his seat, down to the seat where they sat, being gentlewomen, called them whores and jades, and pagans, and the like unseemly words, and rent some of their clothes."—Art. 4 in Rushw.

<sup>b</sup> "He used to officiate at the west side thereof, turning his back to the people."—Art. 2 in Rushw.

"He enjoins all them that come to the cathedral church to pray with their faces towards the east, scolding and brawling with them, even in time of divine service, which refuse to do it, and bidding them either to pray towards the east or to be packing out of the church. Himself hath, praying and reading, his face always turned towards the east. When he ministers the sacrament he stands at the west side of the altar (as he terms and makes it), not at the north (as the common prayer-book enjoins him), that so his face may be east and his back part to the people's faces, who can neither hear nor understand him. He hath removed the reader's ancient desk and pue; together with all the seats and the Dean's pue, which stood on the east side of the church, to the west side, that so their faces might stand eastward. He sends the vergerers about the church, to remove all those, both strangers and others, which sit down with their backs to the east."—Art. 6 of 1628.

"It was the custom of the Jews to pray westward, lest they should be enticed to worship the oriental sun. The Jews did well in avoiding all occasion of idolatry, unto which the vulgar sort is too prone; as appeareth by the people of this place how soon learned they to bow down to the altar and worship it."—Smart's Sermon.

<sup>c</sup> "Innovators in Durham have so changed services and sacraments, as if they would have nothing done to edification, contrary to the doctrine of St. Paul and our church, by inclosing it within rails, and separating it from the church and chancel."—Smart's Treatise of Altars.

Ans. 2.\* Answereth as before, that the three copes were brought into the church before defendant's time and when Mr. Smart was prebendary, who allowed his part of the charge of them all; for they were little worth.

Denieth that he bought, or joined to buy, a cope that was found in search for mass priests, (whereof he knoweth nothing) or a cope that had any image of the Trinity<sup>b</sup> imbroidered upon it,<sup>c</sup> whereof he doth not approve, nor can allow that any such image should be made or used. There is no such images upon any cope which he ever saw or used in that church. At his first coming, he found two open fashioned vestments to be there usually worn, of which, by the late Dean's appointment, one large cope was made. Defendant, who was then absent, had no hand in ordering it, or directing upon what part thereof the story of Christ's passion<sup>d</sup> should be placed. The other cope, which in the article is said to have cost about 200*l.*, was never used in that church, but was purposely made to be presented unto the King, at the time of his progress into Scotland, about eight years since, through the city of Durham, from whence his Majesty presently sent it to Whitehall, for the use of his chapel there,<sup>e</sup> this being five years after Mr. Smart's sermon was preached, yet the same sermon in Art. 13 is pretended to have been preached against the use of this cope in the church of Durham.

\* Art. 2 at the hearing is stated as above (p. 217), and no article coincides with this answer. Perhaps it affected Cosin only, and was not in the general charges against the Dean and prebendaries.

<sup>b</sup> "The Trinity, and God the Father in the figure of an old man."—Fuller's Ch. Hist., bk. xi., p. 173.

<sup>c</sup> "He hath brought divers old copes which have been used in May games heretofore, one of them having the picture of the Trinity embroidered upon it, and these copes he would enjoin the prebends constantly to wear."—Art. 10 of 1628.

"A decent cope is commanded by our canons to be used sometimes, only at the communion. Whether a stately cope, a sumptuous cope, a cope imbroidered with idols of silver, gold, and pearl; a mock cope, a scornful cope, used a long time at mass and May-games, as some of ours were: whether, I say, such a cope be a decent cope, fit for the Lord's Table, judge ye, beloved."—Smart's Sermon.

"Instead of decent copes, ridiculous pie-bald vestments, used a long time by the youth of this town, in their sports and May-games, which I myself have seen with great grief of heart; and many more besides me have oftentimes seen a party-coloured fool's-coat, which cost 3*s* 4*d.*, worn even there at the communion table; macula indelebilis hujus ecclesiæ, et opprobrium sempiternum authoribus tante maculæ, Bp. Neale, Burgoin, Morecroft, the first introducers of altars, images, tapers, candlesticks, with paltry copes."—Smart's Treatise of Altars.

"He never approved the picture of the Trinity or the image of God the Father in the figure of an old man or otherwise, to be made or placed anywhere at all."—Cosin's Letter from Paris, 1658.

"By his appointment there was a cope bought, the seller being a convicted Jesuit, and afterwards employed in that church, having upon it the picture of the invisible and incomprehensible Trinity."—Art. 13 in Rushw.

<sup>d</sup> "With a crucifix and the image of Christ, with a red beard and blew cap."—Fuller's Ch. Hist., bk. xi. 173. This subject is peculiar to the chasuble. The cope thus converted from two ancient vestments is still in the Dean and Chapter's library.

<sup>e</sup> The King is said to have returned the compliment by the gift to Durham church of a cope bearing the ominous subject of David holding the head of Goliath. This is preserved in the Library. Copes were used at Durham until the second half of the last century.—See Ormsby's Sketches of Durham, p. 129.



Did never preach or sit to hear service in a cope.\* Did some time wear a cope in that church at the administration of the Holy Communion, as by law he is enjoined, which was usually a plain white satin cope, having no embroidery upon it at all.<sup>b</sup>

ART. 3. For changing the time of the morning service at 6 a clock, and causing it to be said in the body of the church, &c. (Wm. Wright and Anthony Allen witnesses.)<sup>c</sup>

Ans. 3. Denieth that he ever did bring in or practise, in the said church, any innovations in divine service, concerning either the place or time or manner thereof.<sup>d</sup> But, at his first coming, he found the 6

\* "The divell in hell dare not attempt more than an unruly monk or friar dare do. A divell and a friar will adventure strangely. I have heard of a divell that preached: I have heard of a friar that preached in a rope: but I never heard of either divell or friar, that preached in a cope, (Smart's Sermon.) [as Mr. Burgoin did twice in Durham.]"—MS. addition in Mr. Trueman's copy.

<sup>b</sup> All the time he was unmarried he wore a cope made of white satin, never officiating in any other, it being reserved only for him, no man except himself making use thereof, which, after marriage, he cast off, and never after wore.—Art. 9, in Rushw.

"But what a trick is this which our new-fangled ceremony-mongers have taken up of late, to go in a cope to the altar to say two or three prayers after the sermon? Why use they this ceremony not mentioned in the Communion Book, nor Canons? Why suffer they not the minister to dismiss the congregation with the blessing of God's peace as was wont to be done, and our last Bishop esteemed to be best? How dare they put off and put on a cope so often in one service, not only to pray, but read the Epistle and Gospell, and Ten Commandments at the altar only, and no other place, where the Litany and other service is read, there being no such thing appointed in the Book of Common Prayer: and the Canons, according to the advertisement published in the 7th year of Queen Elizabeth, commanding no copes to be used, but surplices, when all other prayers are said at the communion table, save only at the ministration of the Holy Communion. Why do they these things contrary to the law, and never done in our church before, since the mass was banished?"—Smart's Sermon.

<sup>c</sup> Lords' Journals.

<sup>d</sup> "It had been a custom in that church at five of the clock to have morning prayers read winter and summer. This custom, when Dr. Cosins came thither, was abandoned, and instead thereof was used singing, and playing on the organs, and some few prayers read, and this was called the first service; which being ended, the people departed out of the church, returning at 9 o'clock, and having then morning prayers read unto them, and this was called second service, which innovation being disliked, and complained of by Mr. Justice Hutton, was reformed."—Art. 14 in Rushw.

"He hath divided the morning service into two parts, the 6 of clock service, which was used to be read only and not sung, he chaunts with organs, sackbuts, and cornets, which yield an hideous noise, and makes that service, which was scarce one quarter of an hour long before, one hour and an half at least: and this he calls Matins. The second service at 10 of the clock he calls mass, which consists of Epistles and Gospels, the 10 Commandments, and the Nicene Creed, which are only to be read on Sundays and holydays by the order in the Common Prayer Book."—Art. 7 of 1628.

"Flavius Josephus saith:—David, that renowned prophet of God, devised many instruments of music, and he taught the Levites to sing and play hymns to the Lord, *per sabbathorum dies aliasque solemnitates*: at the solemnities of festival days and sabbaths. Therefore not every day in the week, nor thrice every day, they did not

o'clock morning prayer (said to have been usually<sup>a</sup> read in former times in a part of the cross-isle) removed into the quire, which was done (as he can prove) by a capitular act, whereunto Mr. Smart gave his assent, divers years before defendant became prebendary there. Was so far from taking the old morning prayer quite away, as alledged, that during his abode in Durham, he did constantly frequent the same, as well when it was for divers years read, as when for a small time it was (by appointment of the late Dean) sung in the quire. And whereas, at his first coming, he found it removed from the accustomed place of the church, it was, by defendant's special instance, brought back to the same place, wherein it hath been read at 6 of the clock in the morning these 11 or 12 years last, without any alteration except the addition of the first lesson to it, according to law, which had been in former times neglected and omitted when Mr. Smart was prebendary.

ART. 4. For setting up divers new images in the church, and for renewing and gilding the old images, "one of which, standing in the midst, represented Christ with a golden beard, a blew cap, and sun-rays upon his head."<sup>a</sup> (Wm. Wright, Anthony Allen, and Thomas Atkinson witnesses.)<sup>b</sup>

Ans. 4. Neither he, nor other the prebendaries here impeached, have ever set up any new or gorgeous images in the church; where are no such images at all,<sup>c</sup> nor other images but a few small figures of angels (as they have been commonly called) to the number of about 27 or 28 in a row, which seem to be made divers hundred years ago, and placed for ornament only upon the upper parts of the old stall-work, on each side of the quire. The whole frame of which work was, about 13 years since, by the order of the Dean and approbation of the Chapter, decently repaired and cleansed from some loads of birds' dung and cobwebs, wherewith it had been oppressed in great abundance. This is that

turn [the hours of prayer into solemn services, with piping and chanting, morning and evening and mid-day, as our new-fangled ceremony-mongers of late most audaciously attempted to do in this church of Durham, and did so indeed the space of two years without authority, contrary to the injunctions, statutes and customs of our church which they were sworn to observe."—Smart's Treatise of Altars.

<sup>a</sup> The imperfect copy of the articles commences with this sentence.

<sup>b</sup> Lords' Journals.

<sup>c</sup> "There were reliques of divers images, above which were remaining the ruins of two seraphims with the picture of Christ between them, erected in Queen Mary's time, in the time of popery; all which, when Queen Elizabeth came to the crown, were demolished by virtue of a commission by her to that intent granted, which so continued demolished from that time till Dr. Cousins came to that church, who being treasurer, caused the same to be repaired, and most gloriously painted."—Art. 8 in Rushw.

"This Cosens hath set up 50 glittering angels round about the quire of Durham church, in long scarlet gowns, with golden wings and gilded heads, together with three other images over the Bishop's Throne, one of them being the image of Christ, with a golden beard, a glorious blue cap with rays like the sun beams, which betokens in the Pope's school some deity in the head which it covereth, if [that] it might be known to be an extraordinary idol to be worshipped, as this image hath been, by some popish people which came to see it."—Article 3 of 1628.



which Mr. Smart now calleth, setting up of images. The three statues of stone (as they be in this article termed) are nothing else but only the small tops or finishings of a high raised tomb, set up long ago for Bishop Hatfield (who built Durham House in London) above 200 years since. They stand about 13<sup>a</sup> foot high from the ground, in a side place<sup>b</sup> of the church, not obvious to the eye; and seem not to be above 10 inches in length. The model of all which tomb the defendant is now ready to shew.

ART. 5. For setting up a multitude of candles in the church, especially more upon Candlemas night and All Saints' night. (William Smith, Anthony Allen, Jo. Salvin, and Jo. Loveley, witnesses.)<sup>c</sup> — The Dean and prebendaries did use an excessive number of candles, more upon a Saint's day then upon the Lord's day; and caused the same candles to be lighted in the church, in a new, strange, and superstitious manner, burning 200 wax candles in one Candlemas night, whereof there were about 60 upon and about the altar, where there was no use of light, nor service then said: whereupon a Popish priest spake, "Let us Papists resort to the said church, to see how D. Cosin and the prebendaries of Durham doe play our apes." D. Cosin set up some of these candles himself, and caused others with ladders to set up more round about the quire, some of which the said Dean sent his servant to take down; but D. Cosin did struggle with him in time of prayer, to the great disturbance of the congregation. The manner of lighting the candles was this; they caused two choristers in their surplices to come from the west end of the quire, with lighted torches in their hands, who, after sundry bowings by the way, to and at the altar, did light the candles upon the same with their torches: which done, they returned backward with many bowings, their faces toward the altar, till they came to the quire door: which ceremony of lighting the excessive number of candles came into the church after D. Cosin was prebendary.

ANS. 5. Neither he, nor the Dean and prebendaries (to his knowledge) did ever use any excessive number of candles in that church, nor did they cause more to be used upon a Saint's day (as complainant calleth it) than they did upon the Lord's day. Nor did they order the candles to be lighted in any superstitious manner. The number upon any Candlemas night<sup>d</sup> (as it is in this article termed) was not more than was needful and usual upon the like festivals and Sundays in the time of Christmas, when the resort of people to the church is commonly greater than at other times; at all which times and likewise during the whole season of the year, no candles were lighted and used for the performance of Divine Service but when it was dark. That 60

<sup>a</sup> "Thirty."—Cosin's Letter of 1658.      <sup>b</sup> "Side-arch."—Cosin's Letter of 1658.

<sup>c</sup> Lords' Journals.

<sup>d</sup> "The first Candlemas-day at night that he had been in that church, he caused 300 wax candles to be set up, and lighted in the church at once, in honour of our Lady, and placed three score of them upon and about the altar."—Art. 7 in Rushw.

candles were placed upon and about the altar (as it is here called<sup>a</sup>) he knoweth not. But, upon the communion table, two lights use only to be set, with a small number of little sizes in the places near adjoining, for the better performance of the church service; and for the use and benefit of those persons that repaired thereunto, both for singing the psalms together with the quire and for having the better use of their books, when the lessons and the prayers were read. For this end were the lights set up, and not for any mysterious or superstitious purpose (as is here alledged by the complainant) in a fond imitation of the Papists. Nor doth defendant know that any popish priest spake the words mentioned; nor (whoever he was) if he did, could he justly so speak; for the prebends and officers had no such custom of lighting candles in the day time, or setting them up in any superstitious manner, as the practice of the Papists is.

Denieth that he did ever set up any candles himself,<sup>b</sup> other than a small size that the virgers brought to him (as to other prebends) for the use of his own stall. Nor were any officers appointed by him to set up the lights about the quire, otherwise than were need was, and where the Dean himself had appointed them to be set, which he did both for the use of those many persons that resorted to the church service, and for the preventing of those abuses and disorders that had been committed in the dark and obscure places of the church for want of lights. Denieth that he did ever struggle<sup>c</sup> (as pretended) with any man in time of prayers, or disturb the same, or demean himself than with quietness and reverence, which he hath been always most careful to preserve in that church and in all other places where he had served; or that the choristers lighted any candles, or if they did, it was only to assist the vergers and officers, to which by statute it belongeth, but when they did so, he doth not believe that they went backward, nor that they would ever have been suspected, much less appointed by the officers so to do.<sup>d</sup>

<sup>a</sup> "He seldom or never, in any of his sermons, styled the ministers of the word and sacraments, by any other name than priests, nor the communion table by any other name than altar."—Art. 12 in Rushw.

<sup>b</sup> "On Candlemas-day last past, Mr. Cosens, in renewing that popish ceremony of burning candles to the honour of our Lady, busied himself from two of the clock in the afternoon till four, in climbing long ladders to stick up wax candles in the cathedral church. The number of all the candles burnt that evening was 220, besides 16 torches; 60 of those burning tapers and torches standing upon and near the high altar (as he calls it), where no man came nigh."—Art. 4 of 1628.

<sup>c</sup> "Two hundred was a greater number than they used all the church over, either upon Candlemas night or any other."—Cosin's Letter of 1658.

<sup>e</sup> "One Sabbath day there was set up an unnecessary company of tapers and lights in the church, which Mr. Hunt, being then Dean, fearing they might give offence, being they were unnecessary, sent his man to pull them down, who did so. But Dr. Cosins, being thereat aggrieved, came to the fellow, and there miscalled him in most uncivil manner, and began to beat him in the public view of the congregation, to the great disturbance of the same."—Art. 18 in Rushw.

<sup>d</sup> "He framed a superstitious ceremony, in lighting the tapers which were placed on the altar, which, for instance, was this: A company of boys that belonged to the church, came in at the choir door, with torches in their hands lighted, bowing towards the altar at their first entrance, bowing thrice before they lighted their



Upon frequent complaints made by those under officers of the church and many people of the city that resorted thither, he being then treasurer, order was given by the late Dean and Chapter for a full and sufficient store of wax lights, to be provided according to the express letter of the local statutes of the church whereunto Mr. Smart was sworn.

ART. 6. For prohibiting Psalms to be sung in metre, and procuring songs and anthems to be sung of the Three Kings of Cullen. (Wm. Wright and Ric. Hutchinsonson, witnesses.)<sup>a</sup> — The Dean and prebendaries did absolutely forbid and prohibit the Psalms in metre to be sung before and after sermon, and at the administration of the Holy Communion: and instead thereof turned prayers and pieces of reading psalms into anthems, and caused them to be sung, so that the people understood not whether they were prayers or no. Whereupon D. Cosin observing that they kneeled not, sent vergers to some to command them, and spake to others himself, saying, "Masters, you must kneel, it is a prayer, you must kneel." And they caused an anthem to be sung which was not the Word of God; as namely, the Three Kings of Cullen: Jasper, Melchior, and Balthazar: and caused the organs to play, and the whole quire to sing, at the administration of both the sacraments, to the great disturbance of those holy actions.

Ans. 6. The singing of the metre psalms was never forbidden, by him or any other<sup>b</sup> (that he knoweth) in that church, where he used daily to

tapers. Having done, they withdrew themselves, bowing as oft as before, not once turning their back parts towards the altar, the organs all the time going."—Art. 15 in Rushw.

"He hath brought in a new custom of bowing the body down to the ground before the altar (on which he hath set candlesticks, basons, and crosses, crucifixes and tapers, which stand there for a dumb show). He hath taught and enjoined all such as come near the altar to cringe and bow unto it. He hath commanded the choristers to make low legs unto it when they go to light the tapers that are on it in the winter nights; and, in their return from it, he hath enjoined them to make low legs unto it again, going back with their faces towards the east, till they are out of the inclosure where they stand."—Art. 5 of 1628. <sup>a</sup> Lords' Journals.

<sup>b</sup> "Lastly, why forbid they the singing of psalms in such a tune as all the people may sing with them, and praise God together before and after sermon, as by authority is allowed, and heretofore hath been practised both here and all reformed churches? How dare they, instead of psalms, appoint anthems little better then profane ballads some of them? I say, so many anthems to be sung, which none of the people understand, not all the singers themselves, which the preface to the Communion Book, and the Queen's Injunction will have cut off, because the people is not edified by them. This makes me call to mind a strange speech, little better then blasphemy, uttered lately by a young man in the presence of his lord, and many learned men:—"I had rather go 40 miles to a good service, then 2 miles to a sermon," (*ea durum.*) Was not this a witless, graceless, anti-christian saying, which preferreth piping and singing before God's ordinance of preaching?"—Smart's Sermon.

"Which singing of psalms in the vulgar tunes within these 5 years (now 15 years), [since the year 1627 in *margine*] hath quite been banished out of Durham church, contrary to the practise and custom both of this and all other cathedral churches in the realm of England, the primitive church also."—Smart's Treatise of Altars.

sing them himself (as in other places his custom is to do) with the people assembled at the six o'clock morning prayer. But as to the singing of them before and after the sermon (which is always there preached in the quire) the use was long before his coming thither, and is so still, afore the sermon to sing the Creed,<sup>a</sup> (as the Book of Common Prayer by law established doth appoint), and after the sermon to sing an anthem<sup>b</sup> or hymn, which that the people might the better know what was at any time sung, was always publicly declared by one of the quire-men, out of what psalm (being many times a metre psalm) or other part of Scripture, or the Book of Common Prayer,<sup>c</sup> the same was taken.

Denieth that he did ever move or cause any person to kneel at the anthem, but hath sometimes sent the virgers to mind careless people of kneeling at their prayers. About 13 or 14 years since, upon a solemn fast day, kept by public order, when the form of commination was read, and the prayers used that are thereunto annexed, he did quietly invite one or two persons who were heedlessly sitting before him to kneel, as all others did, at the recital of Psalm 51, with the collect following, for so doth the Book of Common Prayer expressly require.<sup>d</sup>

The anthem of the Kings of Colen (as in the impeachment it is called) was never sung, since defendant came to be prebendary, nor (as he hath been informed) in the memory of man before, and it is not like to be sung hereafter, for at his first coming to be chosen treasurer

<sup>a</sup> "And that plainly, for every one to understand."—Cosin's Letter of 1568.

"He enjoins all the people to stand up at the Nicene Creed (a ceremony which your church enjoins not), which he commands to be sung with organs, sackbuts, and cornets, and all other instruments of music, which were used at the consecration of Nabuchadonozzer's golden image, unfit instruments for christian churches where men come for to pray, and not for to chaunt, or hear a sound or concert of they know not what. Each who refuse to stand during this musical cries (which lasts for half an hour) Mr. Cosens himself hath gone and raised them up, during divine service, to the great disturbance of all there present, bidding them to depart out of the church, and nailing up the pue doors in despite of the Dean and other Prebends, that so they might not come into their seats."—Article 8 of 1628.

"Why sing they the Nicene Creed in a cope at the altar, the book appointing it to be said, as the Apostle's Creed is said, not sung? Why make they the people to stand up when it is sung, that ceremony of standing being forbidden by law by which you that stand, mark what I say, you that stand are to be punished for obeying such unlawful commands, as I mean to prove when time shall serve."—Smart's Sermon.

<sup>b</sup> "It had been formerly a custom in that church, at the end of every sermon, to sing a psalm. This custom, when Dr. Cosins came thither, was abrogated, and instead thereof, they sung an anthem in the choir, there being no psalm sung either at the minister's going up into the pulpit, or at his coming down."—Art. 6 in Rushw.

<sup>c</sup> "He converted divers prayers in the Book of Common Prayer into hymns, to be sung in the choir, and played with the organ, contrary to the ancient custom of that church."—Art. 5 in Rushw.

<sup>d</sup> "On the fast day after Easter last, he commanded the last prayer at the end of the communion to be sung with the organ as an anthem, so that no man could understand one word, in so much that the people rising up and sitting when it began to be sung, Mr. Cosens called to them that sate near about them, saying, "You must kneel, you must kneel; it is a prayer." Then all the congregation kneeled down, and prayed very devoutly they knew not what. It was the fondest fast that ever any man saw, it being rather a triumph then any fast or humiliation."—Art. 9 of 1628.



(about 14 years ago) he caused the said anthem to be razed and cut out of the old song book belonging to the quire, and the common school of the choristers, where it had remained all the time Mr. Smart had been both schoolmaster and prebendary before.<sup>a</sup> Defendant hath frequently shewed his dislike of singing any anthem which is not part of the Scriptures or a hymn publicly allowed by authority.

Never knew the sacrament disturbed by the organ or songs of the quire, but quietly and reverently administred at all times:<sup>b</sup> yet Mr. Smart did continually absent himself from the Holy Communion (there administred every first Sunday of the month at least) many years together, both before defendant came to Durham, and all the while that he lived there; by which he gave no small occasion of offence and scandal to others.

ART. 7. For setting up pictures about the new font, as the picture of a dove, &c., and this was before Mr. Smart made his sermon. (Wm. Wright, Robert Kinge, witnesses.)<sup>c</sup> — The Dean and prebendaries caused many pictures and carved images (besides those that were in the church) to be set upon the font, amongst which was a dove carved, and the four evangelists, and John baptizing Christ in Jordan, painted, which did appear at the opening of the font. Which font they caused to be removed from the ancient usual place in the quire, where it formerly stood; and placed it out of the quire, where divine service is never read.

ANS. 7. The font was removed many years before his time from the upper part of the quire, where it was conceived to stand inconveniently, to the lower part of the church, where all fonts used to stand, by the order of the late Dean and Chapter then being.<sup>d</sup> The pictures were

<sup>a</sup> "He made it, when he first saw it, to be torn in pieces, and he himself cut it out of the old song books belonging to the Choristers' School, with a pen-knife that lay by, at his very first coming to that college. But he was sure that no such anthem had been sung in the choir during all his time of attendance there, nor (for ought that any of the eldest persons of the church and town could tell, or ever heard to the contrary) for 50 or three score years before, or more."—Cosin's Letter, 1658.

<sup>b</sup> "He hath turned most of the service into piping, and singing, so that the people understand it not, no more then they do Greek or Hebrew. He hath brought mere ballads and jigs into the church, and commanded them to be sung for anthems, and, among many others, the Three Kings of Colen, Jasper, Melchior, and Balthaser. He will not suffer so much as the Holy Communion to be administred without an hideous noise of vocal and instrumental music (the tunes whereof are all taken out of the mass book) whereby the people's minds are wholly withdrawn from the holy duty which they are about, and from the meditation of Christ's bitter death and passion."—Art. 9 of 1628.

<sup>c</sup> Lords' Journals.

<sup>d</sup> "Why is the altar lifted up to the top of the sanctuary or chancel, and the font not so much as admitted to the bottom? It is not suffered to stand in the wonted place behind the quire door. Why is one preferred as holier than the other, being sacraments of equal dignity? In Saint Peter's Church in Zuricke, the Lord's table and the font or baptisteria stood both in one place, as witnesseth Hospinian. And so they stood here all the time of our former bishops."—Smart's Sermon.

thereunto added by the same Dean's own and only appointment, divers years after Mr. Smart's sermon was preached, which, nevertheless, in Art. 13, is alledged to have been preached against them.<sup>a</sup>

ART. 8. For crossing the cushion upon the altar, and consecrating the knife which cuts the bread. (Jo. Lovely, witness.)<sup>b</sup> The Dean and prebendaries did cause a knife to be kept in the vestry for cutting of the sacramental bread, being appropriated only for that use, and was commonly called, known, and shewed to those who came to see the gay ornaments of the church, by the name of the consecrated knife. And D. Cosin did consecrate the cushions and forms by crossing them, before the people came to the communion.

Ans. 8. Denieth that there is, or in his time ever hath been, any consecrated knife in the church.<sup>c</sup> The knife which is usually kept in the vestry, with other like common things thereunto belonging, is an ordinary knife, and laid there only that it may be ready for the officers when they come to prepare the bread for the communion, as in other churches is usual, but that the same is hallowed or appropriated to this use only, defendant believeth not; nor that it was commonly called or ever shown by the name of the consecrated knife, unless it were to tell people and strangers that sometimes came to see the church and vestry, what new name Mr. Smart and his abettors had vainly imposed upon it.

Denieth that he did ever cross any cushions or forms in that church,<sup>d</sup> or that it ever entered into his thoughts so to do; nor can he conceive from whence this strange accusation (suggested by some of the complainant's informers) should arise, unless from certain old crosses embroidered upon several cushions (usually laid upon the stalls and forms) as part of the church arms, which was done in probability many years before defendant was born.

<sup>a</sup> No mention of these in the Sermon, or in the Articles of 1628 prefixed to it, but in the Treatise of Altars, 1629, as published many years afterwards, we have this:—"Durhamers would not suffer the sacrament of baptism to be ministered without an hideous noise of organs and singers, with the sight also of many brave images on the font."

<sup>b</sup> Lords' Journals.

<sup>c</sup> "There was a knife belonging to the church, kept altogether in the vestry, being put to none but holy uses, as cutting the bread in the sacrament, and the like, Dr. Cosins refusing to cut the same with any other but that, thinking all others that were unconsecrated, polluted, but that, which he putting holiness in, never termed but the 'consecrated knife.'"—Art. 10 in Rushw.

This knife is not mentioned in the Articles of 1628.

<sup>d</sup> "He used upon communion days to make the sign of the cross with his finger, both upon the seats whereon they were to sit, and the cushions to kneel upon, using some words when he so did."—Art. 17 in Rushw.

"He hath likewise gone about the altar (for so he calls it) before the communion, crossing the cushions, kissing the altar clothes, and smacking them with his lips: insomuch as some, seeing him so ridiculously occupied, said one to another, 'Look, look, is not the man mad? Look, I pray, is he not mad?'"—Second Part of Art. 12 of 1628.



ART. 9. The Dean and prebendaries did imploy a painter and glasier, profest papists, to serve the cathedral church in their several uses : and brought in and practised in the church several other superstitious innovations tending to idolatry.

ANS. 9. The glasier (who is one and the same with the painter) was sometimes employed to mend the old broken windows in regard he was a common tradesman in the city of Durham, ordinarily employed there by others, because he had skill to perform such kind of work, but not in any respect had to his popish profession,<sup>a</sup> for which he hath been questioned and censured in the High Commission Court at Durham, both by defendant and other persons in these articles impeached. Against which profession as defendant and other the prebendaries have constantly preached, so he likewise diligently endeavoured, and through God's gracious assistance hath preserved many persons in our own true profession, and reduced divers others from popery to the unity of that faith which is publicly established in the church of England.<sup>b</sup>

Denieth the introducing of practising of any other superstitious innovations, humbly referring as well to the diligent inspection of the Bishop (who hath governed eight years, and during all that time hath not in his several visitations, nor in his frequent accesses to the divine service and administration of the Holy Communion, either faulted or deprehended any such innovations among us) as to the government and inspection of his predecessors, in whose times divers visitations were held and diligent enquiry made by articles which were delivered to Mr. Smart and others the prebendaries and members of that church, to be answered upon oath concerning the place, time, and manner of performing divine duties there; yet neither did Mr. Smart then answering upon oath and tied by the local statutes to declare against any scandalous or superstitious practices, nor did any other complain of superstition or innovation in the said church, where, whiles defendant lived, his daily practice and endeavour was truly to serve and honour Almighty God, and to keep out as well all popish novelties and superstition, as all profane negligence and disorder.

ART. 10. D. Cosin preaching in the church upon the parable of the Tares, said that "the reformers of our church, when they took away the mass, took away or marred all religion and the whole service of God: they called it a Reformation, but it was indeed a Deformation:"

<sup>a</sup> "He hath employed divers recusant papists (and such only) in making of wax candles, crucifixes, and glass windows; in gilding and painting of images and the altar, fit workmen for such idolatrous works, and incite instruments to revise and set up popery once again."—Art. 11 of 1628.

<sup>b</sup> "He counselled some young students of the university to be imitators and practisers of his superstitious ceremonies, who, to ingratiate themselves in his favour, did accordingly; and, being afterwards reproved for the same, by some of their friends, confessed that Dr. Cosins first introduced them to that practice, and encouraged them therein."—Art. 16 in Rushw.

[This no doubt refers to the Peter House matter. See p. 212.]

and that the mass was not taken away, but that the presence of Christ still remaineth; and that if the Reformation were otherwise, it were not reformed, but a deformed religion. And that he meant of a corporal presence was plain, for that he complained afterward in the sermon that some had thrust out the presence of Christ; and he likewise said that in Queen Elizabeth's time, when popery was put out, the Reformation was a Deformation, and instead of bringing in order, they brought in ordure.

Ans. 10. True it is he preached a sermon in the church of Durham, about fifteen years since, upon the parable of the Tares, whereat were present the Bishop and Dean and divers prebendaries, besides the numerous and common auditory of the city. None took exception against it, nor did Mr. Smart (who was not present at it) go about to accuse defendant of the words now alledged, till some years after the sermon.

As defendant constantly denieth that he spake the words complained of, or as they lie barely in this article, so he doth most truly aver that he spake the quite contrary, viz. "You must not think that when the Reformation of our church took away the mass, they took away all religion, or the whole service of God (as the papist say they did),"<sup>a</sup> adding "That they had well and justly taken away the tares of popery and superstition which had in former times grown up among us, such as were the merit of works, the number of seven sacraments, the doctrine of transubstantiation, &c. And that they had been careful also to keep Christ's rule in the text, which was, not to pull up the tares and the wheat together."

This was the sum of the whole sermon, as may appear by the original writing or copy thereof, remaining with the committee for the hearing of Mr. Smart's complaint, in the House of Commons.

Although in some passages of that sermon he did acknowledge (as he takes it to be out of the question, the doctrine of the Church of England doth) a true and real presence of Christ in the sacrament to the faithful receiver thereof; yet that he meant it not of a corporeal but of a spiritual and sacramental real presence only, was most plain; for he then likewise said expressly that transubstantiation (which implied a corporeal presence) was one of the tares, which the godly reformers of our church had well and justly taken away.

<sup>a</sup> "In a sermon preached in that church, he did deliver certain words in disgrace of the Reformers of our church. For instance, the words were these: 'The Reformers of this church, when they abolished the mass, took away all good order; and, instead of Reformation, made it a Deformation.'"—Art. 10 in Rushw.

"This Cosins in a sermon of his upon the parable of the Tares, uttered these popish and antichristian speeches: 'That the Reformers of our church when they took away the mass, they took away all religion, and the whole service of God: they called it a Reformation, but it was indeed a Deformation.' He likewise said to one that swore by the mass, in a frowning manner, 'That he wist not what he said, and that he swore by a better thing then he was aware of. The mass is a good thing, and a good word.' The author of this sermon telling him upon occasion, 'The mass is disallowed,' he replied roundly, 'Will you deny that our service is a mass?'"—Art. 2 of 1628.

Smart openly alluded to this matter in his sermon. "What say you by him, who accusing our fathers not long since, said," &c.



The other words wherewith defendant is burdened, "that the Reformation in Queen Elizabeth's days was a Deformation," he utterly denieth and detesteth. As they are altogether inconsistent with what he then spake, and destructive of the whole discourse, so they never came into his thought.

Which answer he likewise representeth against that unsavoury expression of 'ordure' instead of 'order,' which words (easily mistaken by depraved ears), he calleth God to witness, he never spake, nor did it ever enter into his mind to speak any words that tended to that sense, for he utterly abhorreth them.

ART. 11. D. Cosin, perswading a papist to come to church, said that the body of Christ was substantially and really in the sacrament: and, shewing him the new service-book intended for Scotland, he said it was all one with theirs of the Romish Church, for there was in it, the Introit, the Epistle, Gospel, Offertory, Canon, Consecration, Communion and Post-communion.

ANS. 11. He had some three or four years since a conference with a papist, a gentleman of the bishoprick of Durham, who came to defendant to treat with him, and to be resolved in the question between them of his religion and ours, concerning the antiquity of the Pope's claim to the supremacy, and universal headship over the church; wherein, after much discourse to and fro, defendant satisfied him, that there was no such claim made by the old bishops of Rome, out of St. Gregory's testimony against it, who, being Bishop of Rome himself, said, that neither he, nor any of his predecessors ever challenged any such title; and that whosoever did challenge it, was the fore-runner of Antichrist. Which testimony was then shewed unto him out of St. Gregory's works, in defendant's study; and the gentleman was therewith convinced. [The gentleman] falling into further discourse upon the point of the sacrament, and objecting "that we in the Church of England did wholly deny the real presence," defendant answered, "that although we did not acknowledge transubstantiation, or a corporeal presence, yet we held and taught a true and spiritual real presence in the Eucharist, to all that come faithfully and duly prepared to receive him." Shewed him the confession of many learned protestants, acknowledging Christ to be substantially, that is, verily, really, and indeed present there, after a spiritual and ineffable manner, and the common confession of our own church set forth in the Articles of Religion, the catechism that is approved, and the book of public prayer in the administration of the Blessed Sacrament. Neither shewed him the new Service-book intended for the Church of Scotland, nor said it was all one with theirs of the Church of Rome. The truth was that the gentleman looking into every book then lying on a table in the study, and, among others, lighting upon the Scots liturgy (which had newly been printed), it gave him occasion to ask what difference there was between that liturgy and ours of the Church of England. Defendant said that, for ought he could perceive, there was no substantial difference between them at all. Further, the said papist in his ensuing dis-

course, ignorantly affirming that neither the Scottish nor the English liturgy had any introit or offertory, no epistle or gospel, no consecration, communion, or post-communion, as theirs of the Romish church had, defendant replied that, instead of their introit, we had the Lord's Prayer, wherewith we begin the celebration of the sacrament, that the collects, epistles, and gospels were all orderly disposed; that the creed and the offertory followed, that the public confession and absolution, the prayers of communion and oblation (which they of the Roman church call canon), together with the thanksgiving after the communion (which they call the post-communion), were far better in our liturgy than in theirs, being always in a tongue known to the people, and free from any such vain and superstitious observances as were usual among them; besides many other words to the same purpose, wherewith the gentleman seemed then to be satisfied, and afterwards came to our church.

ART. 12. D. Cosin at a public dinner said, that "the King was not Supreme Head of the Church in England, nor could be so called;" (for which, and introducing practising of several the said ceremonies, he was indicted at the general assizes in Durham, 1629, and *billa vera* returned) and spoke other scandalous, scornful, and malicious words against his Majesty's supremacy."

Ans. 12. Denieth that he ever said the King could not be called Supreme Head of the Church of England. But in a casual discourse with some persons at Durham, about thirteen years ago, he said that by the statutes of this realm, now in force, the King's title was not set forth to be Supreme Head of the Church,\* but Supreme Governor over

\* The articles prefixed to Smart's Sermon in 1628 give the words as "That the King's Highness is no more Supreme Head of the Church of England then the boy that rubs his horse heeles." See the proceedings in the parliament of 1628-9, page 199.

"The Dean and Chapter of that church, where Dr. Cosins was one, with many others, being invited to dinner in the town of Durham, Dr. Cosins then and there spake words derogating from the King's prerogative. The words were these. "The King hath no more power over the church than the boy that rubs my horse heels." There being many canons of the said church present at that time, amongst the rest there was one took more notice of his words than the rest, and acquainted one of his fellow canons with them when he came home. This canon being a friend to Dr. Cosins told the doctor that such a man exclaimed of him, and charged him with words that he should speak at such a time. The doctor presently sends for him, and, when he came into the house, the doctor desires him to follow him into an inner room, who did so: but, as soon as he came in, the doctor shuts the door, and sets both his hands upon him, calling him "rogue and rascal," and many other names; insomuch, that the man fearing he would do him mischief, cried out. Mrs. Cosins coming in, endeavoured to appease her husband, and, holding his hands, the other ran away. The doctor did seek many unjust ways to ensnare this man, that so he might take a just occasion to put him out of his place, but, none of them taking effect, he put him out by violence, having no other reason why he did so but because he had no good voice, when he had served the place two years before Dr. Cosins came thither. For instance of which unjust ways to ensnare this man, Dr. Cosins hired a man and a woman to pretend a desire of matrimony, and to offer a sum of money to this petty canon to contract matrimony between them in a private chamber; so thereupon to take advantage of his revenge upon him."—Art. 19, 20, 21, in Rushw.



all persons in all causes, as well spiritual as temporal, so that no foreign power, person, state, or prelate, had, or ought to have, any jurisdiction within this realm. And for the alteration of this title from Head of the Church, to Supreme Governor, defendant did, in the same discourse, alledge the Act of Parliament 1 Eliz., c. 1.,<sup>a</sup> as likewise Bp. Jewell's testimony, in his Defence of the Apology of the Church of England, who saith there, "That for the title of Supreme Head, we devised it not. 2. We use it not. 3. Our Princes claim it not. 4. That the papists intituled King Henry VIII. with that unusual and strange style." Moreover, in his View of the Pope's seditious bull, set forth to raise rebellion and depose Queen Elizabeth from her throne, that the same bishop affirmed "That the Queen was never called Supreme Head of the Church, either in the Act of Parliament, or in the records, rolls, or writs of chancery and exchequer; but that she refused it, and would have none of it, nor ever be so called." In further confirmation of which words, defendant then did and is still ready to produce divers other testimonies of received allowance and authority.

But denieth that he spake any words, or that it ever entered into his thoughts to speak any which might in the least manner derogate from his Majesty's supremacy in all matters ecclesiastical and temporal, by the laws of God and this kingdom formerly established; and averreth that in the said discourse he spake many words in defence and maintenance of the said supremacy, which he is able to prove by the clear testimony of sundry persons who were then and there present.

The indictments which Mr. Smart (after he was called into question for his sermon) preferred against defendant at the general assizes held in Durham, about 11 years since, were these: one concerning the title of Supreme Head: another for standing up at the creed after the gospel: a third for standing or kneeling before the communion table: and a fourth for using the wax lights in the church. All which indictments being brought before Judge Ylverton (then sitting in open court upon the bench at the assizes at Durham), he forbid the clerk of the crown to put them upon the file, or to deliver out any copies of them, and, after the court was risen, he called Mr. Smart and caused him to take defendant by the hand, and promise peace and unity with him. Judge Hutton likewise wrote with his own hand upon most of these indictments, "That they were not material, nor of any force in law." Which words as he wrote them, are now ready to be shown.

Denieth and from his heart detesteth all scandalous, scornful, and malicious words whatsoever, against his Majesty's supremacy; nor doth the aforesaid indictment, concerning the same supremacy, contain any such words.

<sup>a</sup> "I, A. B., do utterly testify and declare in my conscience that the Queen's Highness is the only Supreme Governor of this realm, &c."—Oath of supremacy 1 Eliz. c. 1.

But by the 1 Eliz. c. 1. the statute of 1 and 2 Ph. and Mar. c. 8, (which repealed 26 Hen. VIII. c. 1. and 35 Hen. VIII. cap. 3) was made utterly void, and thereby the acts of Henry VIII. were revived, and by them it was enacted that the King, his heirs and successors should be taken and accepted the only Supreme Head in earth of the Church of England, &c.—See Co. Inst. iv. 325.

ART. 13. These innovations in the communion table, font, candles, pictures, images, copes, singing, vestments, gestures, prayers, doctrines, and speeches of Cosin, and the other alterations being unlawfully introduced and practised in the cathedral church by the Dean and prebends, Peter Smart, one of the prebends, opposed the same, and in discharge of his duty, place, and calling, did, upon July 27, 1628, being the Lord's Day, preach in the church against the same, reprovng these innovations and innovators, and exhorted the people to keep themselves from the infections of them, in which sermon there was nothing scandalous, nor disagreeable to the Word of God, the doctrine and discipline of the Church of England.

ANS. 13. The sermon of Mr. Smart neither was nor could be preached against all the pretended innovations in this Article rehearsed: for the pictures upon the font, and the cope that was presented to the king's majesty (as in Art. 3 and 7 is declared) were not made until 5 years after the sermon had been preached at Durham.

Believeth that Mr. Smart did most unjustly tax the said church with superstition, idolatry and innovations, and therefore gave great offence and scandal, both by preaching and also by publishing the same in print,\* without lawful authority, or before he had complained in due course of law and justice, against any such pretended innovations.

And whereas the sermon is alledged not to be scandalous or disagreeable to the doctrine or discipline of the Church of England, defendant

\* "The vanitie and downefall of superstitious popish ceremonies: or a Sermon preached in the cathedrall church of Durham by one Mr. Peter Smart, a prebend there, July 27, 1628. Contayning not onely an historிக்க relation of all those severall popish ceremonies and practises which Mr. Iohn Cosens hath lately brought into the said cathedrall church: but likewise a punctuall confutation of them; especially of erecting altars, and eringing to them, (a practise much in use of late) and of praying towards the East.—Psal. 4. 2. O yee sonnes of men, how long will yee turne my glory into shame? how long will you love vanitie, and seeke after leasing?—Phil. 3, 18, 19. For many walke, of whom I have told you often, but now tell you weeping, that they are the enemies of the crosse of Christ, whose end is destruction, whose God is theyr bellie, whose glory is their shame, who minde earthly things.—Printed at Edenborough in Scotland, 1628. By the heyres of Robert Charteris."

Prefixed to this sermon is "a briefe, but true historிக்க narration of some notorious acts and speeches of Mr. Iohn Cosens, and some other of his companions, contracted into articles." These are given in my notes where they additionally illustrate Cosen's answer. They are introduced in the following manner:—"Wee doubt not, but the world hath heard of Mr. Iohn Cosens his speculative and theoricall popery, which hee hath audaciously broached in his Booke of Private Devotions, or the hoewrs of Prayer, which booke one Mr. Burton, a zealous minister, and Mr. Prinne, a private gentleman, have largely answered; though wee heare they were but ill rewarded for their paines; both of them being troubled for these their orthodox books by your High Commissioners, who straine it seemes at harmelesse gnats, yet swallow camels. Wee have therefore thought it our bounden dutie as to publish this worthy sermon; so to informe the world in particular how this Cosens hath turne'd these his popish theories and speculations into practise."

There is another edition "Imprinted 1628," without the printer's name, and probably that alluded to by Cosens as "without lawful authority." The type is English, and the printing less accurate and more coarse than that of the Scotch edition. Almost every sentence is made a distinct paragraph.



doth humbly represent to the great wisdom and religious consideration of this Honorable Court these passages following as they were uttered by complainant in his sermon, wherein (among many other particular, personal, intemperate and uncharitable invectives) he declaimed,

i. Against the name and function of a priest; and thereby preached not only against the Book of Common Prayer and Administration of the Sacraments in the Church of England, together with the Book of Ordination of Priests and Deacons (wherein the office and function of a priest is clearly set forth, and the name and appellation of priest frequently used; yea, and whereby complainant was himself ordained and made a priest) but likewise against the Articles of Religion set forth and established as the public confession of the Church of England, and against the laws and Acts of Parliament now in force within this realm. All which notwithstanding, he maintained in this sermon, page 8, That it was a popish opinion to say there be any priests in the church of Christ,<sup>a</sup> and page 13, That whoever called themselves priests, were fools and blind, fond and ignorant teachers.<sup>b</sup>

ii. Against the public use and daily performance of divine service, not only in the church of Durham, but likewise in all cathedral and collegiate churches, by religion and law confirmed within this kingdom, preaching plainly against them all, and saying, page 21, These cry [with the Jews, 'Templum Domini, Templum Domini,' The church of God,] the service of God, when indeed their whole service is little else than superstitious vanity, and page 21, To sing in the church is a

<sup>a</sup> "The original cause of most of our superstitious ceremonies, is that popish opinion, that Christ's church hath yet priests, sacrifices, and altars, when as indeed Christ was sent of God to be last priest, which should offer the last sacrifice upon the last altar that ever the world should have. He had, saith Paul, Heb. vii., 24, 'A priesthood which could not pass, or be resigned to any other:' he was not to have any successor, being 'a priest for ever after the order of Melchizedek, having neither beginning of days nor end of life, but, made like unto the Son of God, abideth a priest for ever. Not made,' as the sons of Aaron were, 'after the law of a carnal commandment, but after the power of an endless life,' saith he in the 16th verse. Only the sacrifice of prayer, of praise, and thanksgiving, which every faithful christian man and woman must offer to God upon the most holy altar Christ, is left in the church. So Irenæus calls him, lib. 4, 'Altare nostrum Christus.' Christ is our altar. And Epiphanius saith, 'Christus est victima, sacerdos, altare, Deus et homo omnia in omnibus pro nobis factus.' Christ is the sacrifice, the priest, the altar, both God and man made all in all for our sakes."—Smart's Sermon.

<sup>b</sup> "Mark this, if the table (whether wood or stone) be an altar, it is better then the body of Christ, and holier, which to say or think, is horrible blasphemy. For 'without contradiction,' saith the apostle, Heb. vii. 7, 'the less is blessed of the greater,' proving thereby that Melchizedeke was a better man than Abraham, because he blessed Abraham. And we know, that to bless is to consecrate or sanctify: so saith our Saviour. Matt. xxiii. 18, reproving the Pharisees, who taught, 'Who-soever shall swear by the altar it is nothing, but whosoever shall swear by the gift (that is, the sacrifice) upon the altar,' he is guilty. 'Ye fools and blind, whether is greater, the gift, or the altar that sanctifieth the gift?' So I say to such fond and ignorant teachers, who call themselves priests, and the table an altar. Ye blind popish priests, understand ye not that by erecting an altar, ye advance it above the Body of Christ? Ye make it better than Christ's Body, by making it a sacrifice sanctified by the altar."—Smart's Sermon.

base employment,<sup>a</sup> and page 24, Though our liturgy be not in Latin, yet order is taken by confusedness of voices, some squeaking, some bleating, some roaring and thundering, with a multitude of melodious instruments, that the greatest part of the service is no better understood than if it were in Hebrew or Irish. And *ibid.* The choristers and singing men shout and cry, and make sweet Apollonian harmony.<sup>b</sup> And page 25, How dare you communicate with us, in these our superstitious vanities? Have you not churches at home in your own parishes, where you may receive the communion, without such all-a-flantaras?<sup>c</sup>

iii. Against the Bishop, Dean and Prebendaries of the church of

<sup>a</sup> "Seldom shall you see a stout ceremony-monger, but the same will be a notorious nonresident, a very tot-quot, not content with two or three little towns, but four or five great preferments and dignities, and still he aspireth and climbeth higher, never thinking himself sufficiently rewarded for his great learning and service of God, in sitting at church three times a day, to hear men pipe and chaunt, and chaunt himself when he list. A base employment, prohibited by Pope Gregorie himself, who speaking '*De cantu ecclesiastico*,' hath these words, '*Prohibitum est, ne quis in ecclesiâ cantet, nisi inferiores ordines, utpote Subdiaconi; Diaconi vero lectioni, et prædicationi incumbant.*' It is forbidden, saith the Pope, that any chaunt in churches, but men of mean degree, none above subdeacons, but ministers or deacons must apply themselves to reading and preaching. For that makes most for the people's edification, to which all must be done, and where we take orders of the Bishop, charge is given to read and preach God's word, not to sing: any lewd layman can do that, without laying on of a Bishop's hands, without consecration. St. Paul saith (1 Cor. i. 17), 'I was not sent to baptise,' much less to sing in a quire, but to preach. And (1 Cor. ix. 16), 'Woe to me,' saith he, 'if I preach not the Gospel.' He saith not, woe to me if I observe not my canonical hours of devotion in singing."—Smart's Sermon.

<sup>b</sup> "Nay, the sacrament itself is well nigh turned into a theatrical stage-play, that when men's minds should be occupied about heavenly meditations of Christ's bitter death and passion, of their own sin, of faith and repentance, of the joys of heaven, and the torments of hell, at that very season, very unseasonably, their ears are possessed with pleasant tunes, and their eyes fed with pompous spectacles of glistening pictures, and histrionical gestures, representing unto us Apollo's solemnities in his temple at Delos, which the poet describeth in the 11th of his *Æneads*—

*Instauratque choros, mistique altaria circum  
Cretesque, Dryopesque, fremunt, pictique Agathyrsi.*

Our youthful Apollo repaireth the quire, and sets it out gaily with strange Babylonish ornaments; the hallowed priest daunce about the altar, making pretty sport, and fine pastime, with trippings, and turnings, and crossings, and crouchings; while '*Cretes, Dryopesque pictique Agathyrsi*,' choristers, and singing men, and parti-coloured cope-wearers, '*fremunt*,' they shout and cry, and make most sweet Apollonian harmony. Are these ceremonies fit for the Holy Communion? '*Do this*,' saith Christ, '*in remembrance of me.*' Can these paltry toys bring to our memory Christ and his blood-shedding? Did Christ minister the sacrament in such manner to his disciples at his last supper? Was there an altar in the chamber where he supped? Did Christ put on a cope laden with images, or did he change his garments?"—Smart's Sermon.

<sup>c</sup> "May not the people of Durham be exhorted to communicate in their own parish churches, as the law commands them: and forbear to communicate in the cathedral church, where it is not rightly administered? Yet this is a principal objection against me in their Durham and York articles and censure."—Contents of Smart's *Treatise of Altars*.



Durham, and their lawful directions and practice; there saying, page 10,<sup>a</sup> Their guides are in fault, blind guides, members of our church, rotten members, I doubt, of higher degree: <sup>b</sup> page 19, You that stand, mark what I say, you that stand at the creed after the gospel, are to be punished for obeying such unlawful commands.<sup>c</sup>

iv. Against the King's Majesty's Chapel, concerning which he averreth and telleth all people, that what is done and used there in the King's Chapel is contrary to his laws.<sup>d</sup>

All which (besides many other contumelious speeches in the sermon) tending not only to the reproach of divine service usually performed in the cathedral and collegiate churches of this realm, but to the contempt also of divers godly laws established, and to the great danger of a seditious schism and much disorder among the people, defendant, with many others, conceived to be scandalous and repugnant to the doctrine and discipline of the Church of England.

ART. 14. Notwithstanding, Dr. Cosin, both upon Mr. Smart's reading his text, and going on in his sermon suitable thereunto, very turbulently demeaned himself in the church: and, the sermon being ended, Mr. Smart's troubles began, for there was not one day set between his preaching and his punishment, for Dr. Cosin and Wm. James, together with others since deceased, the same Lord's Day did send a warrant in the nature of an attachment, under the High Commission seal for that province, by two pursuivants, to convent him before them: whereupon he personally appeared, and delivered to them the imperfect notes of his sermon, which were sealed up, and he ordered to attend the next day, that the same might be truly copied out as he preached them, and as he should deliver them upon oath, and be bound in a recognizance of 100*l.* to appear before them upon a day's warning: but the Dean and Prebendaries, contrary to their order, did break up the seals, and wrote

<sup>a</sup> "I blame not the singers, most of which mislike these profane innovations, though they are forced to follow them. Their guides," &c.—Smart's Sermon.

<sup>b</sup> "To whom all men and women are rank puritans and schismatics, and are to be thrust out and expelled, if they refuse to dance after their fantastical pipe in every idle ceremony."—*Ibid.*

<sup>c</sup> See p. 225.

<sup>d</sup> "'The King's Chapel,' saith they, 'hath an altar and all furniture belonging thereunto': 'Dare you disallow in ours what the king has in his? It is little better then treason,' as one said. I answer it was never out of the King's Chapel (at least the name of an altar) since the first reformation in King Edward's time; if it had, I suppose it had never come again in his religious successor's reign. But it hath been by law ejected out of this church, and changed into a sacred table, *ieran bapesan*, as Christostome calls it; I marvel, therefore, what lawless man would restore it without law. Again, what have we to do with imitation of the court? May we be so saucy as to imitate the king in all things? Is it not treason? Is it not rebellion so to do? What bold presumption is this in a priest or prelate to take upon him to be like the king without his leave, and not to suffer for his majesty to have something extraordinary above the vulgar sort in magnificence and state. The king commands us to obey his laws, not imitate his chapel contrary to his laws, which bind cathedral churches as well as the rest, none are exempted, none can be dispensed withal."—Smart's Sermon.

out several copies of the imperfect notes and sent them to London to several bishops. And the same day Dr. Cosin asked the advice of a counsellor, whether he might not break open Mr. Smart's doors to search for papers, adding this reason, because the Lords of the Council did so. And afterward the Dean and Prebendaries, with John Lively and Dr. EasdeU, were informers, prosecutors and judges for six months against Smart at Durham for the same, where they censured him by two acts of sequestration and one of suspension, and kept him ex-officio in continual personal attendance under great bonds and pains of excommunications about four months before there were any articles exhibited against him, and five months before any proctor was allowed him. And after he had there answered articles upon oath, and six months detention before them, they caused a warrant under the High Commission seal for the province of Canterbury, and hands of William Lawd, Bishop of London, Samuel Harsnet, Bishop of Norwich, Dr. Cæsar and Dr. Sammes, to be served upon him for his appearance at London: and afterward by act in court unlawfully transmitted him to London, to answer in the High Commission there for the same cause.

The 12 of Feb., 1628, Mr. Smart appearing at London before William then Bishop of London, now Archbishop of Canterbury, Sir John Lamb, Edm. Pope, W. Sammes, and D. Alëif, together with others deceased, they forced him to take the oath, ex officio, again, to answer articles, which the Archbishop said were matters of high nature against him, and ordered him to be examined thereupon before his departure out of London, and to be proceeded against, ex officio, because the Dean and Prebendaries had recommended the cause thither: according to which order Mr. Smart attended several times upon the register of the said High Commission to answer, but could never get any articles. And the 23 April, 1629, the Archbishop, Bishop of Ely, and others, did transmit him and the cause, with all the letters and complaints of the Dean and Prebendaries against him unto York, unto the High Commission there, without any allowance of charges for his unjust vexation at London; because he was convented thither, and proceeded against upon complaint of the said Dean and Prebendaries, and refused to admit of Mr. Smart's articles against them, although he offered sufficient bond of 1000*l.* to prove the same, saying, he would not suffer such worthy men to be questioned. (John Allen deposed to Mr. Smart's sermon on 26 July, 1628, and the letters missive and bond to appear of that day. The 5 Aug., 1628, there was a sequestration granted by the Dean and Chapter of Duresme against Mr. Smarte of all his ecclesiastical profits. After, this sequestration was altered to 2 Sep., 1628. The 21 Aug. an act of suspension was granted from the High Commission against Mr. Smarte, before any articles exhibited. Then the oath, ex officio, was tendered to Mr. Smarte by the High Commissioners.\*)

Ans. 14. Defendant did not turbulently demean himself at the hearing of the said sermon, for the preaching whereof at what precise

\* Lords' Journals.



time, and by what particular persons, Mr. Smart was questioned, and what copy thereof was then delivered, or what order was taken for transcribing the same, defendant cannot now perfectly remember, it being about 13 years since, and referreth to the Register, and the Acts of the High Commission Court of Durham.

But that the Dean and Prebendaries did break up any seals, contrary to a former order, or that they wrote out copies of any imperfect notes of that sermon; or that they sent any such imperfect notes to London, defendant doth not know nor believeth to be true. Denying that he asked any advice for the breaking up of Mr. Smart's study doors, to search for papers there, only acknowledging that defendant, or the Dean, or some of the prebendaries present, inquired of a counsellor at law (who had been sent for to be consulted) what lawful course might be taken to procure a copy of that sermon, in case Mr. Smart should refuse to deliver it. Whereunto this answer was returned, that he thought Mr. Smart would not refuse it, or if he did, the High Commissioners had power to proceed against him by legal censures. But that there was any speech of searching for papers, or that any the least mention was made of the Lords of the Council to be sought unto, or followed for that purpose, defendant as he heard no such matter, so he doth not believe it.

Was not at any time after informer or prosecutor against Mr. Smart in any court, who in the High Commission at Durham was not censured by any act of sequestration, or otherwise, save only by an act of suspension *ab ingressu ecclesiæ cathedralis Dunelm.*, which was done in hope that thereby being made sensible of his error, he might have been the sooner reclaimed from it, as likewise for the preventing of further scandal and disorder in that church.

There was a sequestration of Mr. Smart's prebendal profits by the Dean and Chapter (and not by the High Commission), whereunto they thought themselves bound by their local statutes; but the same was by the common consent of them all (among whom defendant was one) so ordered, that it was never put in execution; nor did Mr. Smart suffer any damage by it at all.

The personal attendance for 4 or 5 several court days in the High Commission at Durham (at some of which defendant was not present) could not be very grievous, for his dwelling house was near at hand. Nor was he excommunicated, nor were any pains of excommunication (that defendant knoweth) ever inflicted upon him.

The reason why the preferring of further and more particular articles in that court against him was so long deferred, defendant believeth to be partly Mr. Smart's own desire, that he might be free from them, and partly the desire which the Commissioners themselves had peaceably and friendly to reclaim him, without further proceedings in the court. Mr. Ferdinand Moorecroft and Mr. Robson, prebendaries, as likewise defendant, did several times privately confer with him, and endeavoured to persuade him that he would make a fair and clear declaration of himself, for the taking away of that offence and scandal which he had given by his sermon, and thereby be reconciled unto the church. De-

fendant (with the knowledge and advice of those aforementioned and other prebendaries) proposed a draught of such a declaration by complainant, who, when he had seen it and heard it read, found it so moderate that he seemed to be then well pleased with it, and gave defendant thanks for it. Afterwards, upon new thoughts of his own, or by the persuasion of other persons, he changed his mind, and would not hear of any declaration or reconciliation at all.

The Commissioners having thus sought by all fair means to reclaim him, and, finding him persist in his former course, did at the next session of the court exhibit further articles against him, and when he had given in his answer, they allowed him to appear by his proctor. But, receiving intimation from the High Commissioners at London that he was called by letters missive to answer his case there, they proceeded no further in it at Durham, but by an act of court, left and transmitted it to the Commissioners at London, from whence, at Mr. Smart's own desire, it was remitted to the Archbishop and High Commission Court at York.

ART. 15. The 20 June, Samuel then Archbishop of York, Dr. Hodgson, and others, sent a warrant under the High Commission seal for that province, to convent him before them at York: and, upon his appearance, forced him to take the oath *ex officio* to answer articles, and afterward unlawfully fined him 500*l.* by intimation, and certified the same into the Exchequer, and, in November following, committed him unlawfully to prison, and, in December, committed him again, and forced him again to take a fourth oath *ex officio*, to answer articles additional, and continued him in vexatious attendance before them under great bonds until 3 Aug., 1630, when they proceeded to sentence *ex parte*: having sundry times before denied him a commission to examine witnesses on his behalf, interrupted his counsel, and suffered not the brief of his defence to be read; and made many bitter invective speeches against him, and decreed that he should make a recantation, *conceptis verbis*, as it should be delivered to him, in three several places in York and Durham, to be suspended totally *ab officio*, fined 400*l.*, condemned in costs of suit, and committed to prison.

ANS. 15. In the proceedings against complainant at the said courts in London and York, defendant had no hand meddling at all, farther than by setting his hand to a letter by the late Dean and eight prebendaries of Durham besides himself (being all thereunto moved at the special instance of Judge Yelverton) to the Archbishop of York that then was, and the rest in commission then with him, on behalf of Mr. Smart, wherein they represented their joint desires for all lawful favour to be shewed him upon the reclaiming of his error, and reducing him to a religious peace and unity with them all.

ART. 16. The 2 Sep. following, they excommunicated him, Nov. 10, sequestered all his ecclesiastical livings, and, Nov. 18, they degraded him, *ab omni gradu et dignitate clericali*, because he did not recant and



pay costs; by colour of which degradation his prebendship, which Dr. Carre hath most injuriously ever since enjoyed, and parsonage were both taken from him, and he ever since hath been kept in prison, and layen under all the said several censures, and indured divers others unconscionable and unjust acts and proceedings, both at Durham, London, and York. By which heavy and unjust oppressions, his life hath been several times evidently endangered, and he and his children lost and spent above 14,000*l*. of real estate, whereby they are utterly undone.

Ans. 16. Had no intermeddling hand in any of the censures against complainant mentioned, by soliciting or prosecuting the matter directly or indirectly otherwise than formerly declared. Nor did any other act whereby Mr. Smart suffered the least oppression, either by restraint of his person or loss of his estate.

ART. 17. Mr. Smart, Pasch. 5 Car., brought an action of false imprisonment in the King's Bench, against Dr. Hodgson, Dr. Easdall, and Roger Blanchard their pursevant, for their said two unjust commitments before their sentence, and, after seven terms spent in delays, and several prempitory orders for them to plead, he obtained judgment upon a nihil dicit, and 600*l*. damages upon a writ of enquiry, which was returned into the said court, and by the then judges over-ruled, and Mr. Smart ordered to accept a long and frivolous plea contrary to the opinion of Judge Crook; to which plea he demurred, but could not get it argued, whereby he never received any benefit or profit thereof.

Ans. 17. Not concerned.

ART. 18. In July, 1638, Mr. Smart having obtained his Majesty's gracious reference in his behalf, unto the now Bishop of Durham, Secretary Windebank did revoke the same by his letter to the Bishop; who, upon receipt thereof, sent two pursevants with a warrant under the High Commission seal for that province, signed by himself, Thomas Burwell, and others; whereby he was apprehended and carried prisoner unto Durham, where he remained prisoner above six weeks: and from thence brought him prisoner in a cart to London to the said Secretary, who remanded him prisoner to the King's Bench; and, about two days after, by the said Secretary's command, was taken out of his own chamber and put into the common prison, where he remained about a month, and sixteen weeks more close prisoner in his own chamber, upon pretence that he had been at Glasgow in Scotland, preaching and instigating the Scots against episcopal government: whereas he was never in Glasgow in his life, nor had directly nor indirectly any intelligence with the Scots. Upon which his imprisonment he several times petitioned the said Secretary, Lord Bishop, Archbishop, and his Majesty, but could never get any release or examination thereof.

All which he hath and is still ready to prove. By which unjust, cruel, and illegal acts and proceedings of the said Bishop, Dean, and Chapter of Durham, and the High Commission of London and York,

religion hath been mightily scandalized, the church polluted, justice perverted, the laws ecclesiastical and temporal and the lawful liberty of the subjects of this kingdom violated and infringed, and the said Peter Smart, his wife, children, and family most unjustly and unchristianly undone and ruined, to the great dishonour of God, maintenance of injustice, and pernicious example to posterity.

Ans. 18. Not concerned, nor had any knowledge of the particulars.

And this plain truth for answer to all those things in Art. 18 charged upon defendant, he doth submit—and shall be ready to make proof. Nevertheless praying your Lordships' wonted clemency and favour and the benefit of his Majesty's free pardon<sup>a</sup> unto defendant under the Great Seal of England, 7 Jan., in the 4th year of his reign, whereby defendant doth humbly conceive that if he doth unwittingly in any thing offend touching the matter charged on him, the same is graciously pardoned. Although in the faith of a Christian, defendant doth himself profess that he is not conscious to himself in the least sort of having said or done any thing whereby to scandalize religion, or to pervert justice and the laws ecclesiastical and temporal of this realm, which God long preserve.

JOHN COSIN.

Presented upon oath, May 28, 1641.

HOUSE OF LORDS.—Mar. 15. The Lords went to the conference. House resumed. The Lord Privy Seal reported that Mr. Rouse declared "that he was commanded to deliver to their Lordships an impeachment against Dr. Cosens, for misdemeanours of divers natures," which was read. The Bishop of Lincoln reported Mr. Rouse's discourse. Dr. Cosens and the rest of the parties to appear on Thursday morning.—Mar. 18. Being now in the custody of the Gentleman Usher, they are to put in bail for their forthcoming. — Mar. 19. In regard that Dr. Hodson, Dr. Wickham, and Dr. Stanhope, joined in the impeachment, are unable to travel so long a journey as from Durham, bail for them to be accepted without their coming up, for the present. The prebends to bring their Book of Acts of the Dean and Chapter, whereby Mr. Smarte may make use of it at the hearing. All parties to be bailed tomorrow, but Dr. Cosens to remain in the custody of the Gentleman Usher. — Mar. 20. Dr. Cosens and others impeached with him entered into bail openly, viz.:—Thomas Carr, prebendary of Durham, Ralph Brownrigg, D.D., and Lewis Moulins of London, bound in a recognizance of 6,000*l.* for the appearance of Carr. Sir John Lambe, *knt.*, in 1,000*l.* for his own appearance. Wm. Sammes, LL.D., in the like. Ferdinand Moorecraft, George Moorecraft, Wm. James, D.D., and Gabriel Clarke, D.D., prebendaries of Durham, each in 50*l.* for his own appearance. Elias Duncombe, D.D., Tho. Hurst, John Buck, and — Mallory, in 3,000*l.*, with the same condition as Sir John Lambe's. John Cosens, D.D., prebendary of Durham, John Tollye of London, and

<sup>a</sup> See the proceedings in the Parliament of 1628-9 above.



Thomas Blackeston of London, in 10,000*l.*, with the like. Wm. Eas-dell, Esq., in 50*l.*, with the like. John Bishop of Lincoln, in 50*l.*, for the appearance of Phineas Hodson, D.D., a prebend of York. Thomas Bishop of Durham, in 50*l.*, for that of Tho. Burwell, Esq., a High Commissioner of the province of York. The same in 50*l.* for that of Henry Wickham, D.D., a prebend of York. John Earl of Bristol, in 50*l.*, for that of — Thris-crosse, a High Commissioner of the province of York. Henry Earl of Holland, in 50*l.*, for that of George Stanhope, a High Commissioner of York. Mr. Smarte released from imprisonment *pro causis ecclesiasticis*. Dr. Wickham, Dr. Stanhope, Dr. Hodson, Mr. Burwell, and Mr. Thris-crosse excused from coming up, having given bail. — Mar. 30. Dr. Marsh, impeached with Dr. Cosens, bound in 1,000*l.*, and discharged. — Mar. 31. Three or four of those divines may go to their parishes against Easter, and return on the 5th May. — Apr. 6. Upon an affidavit by Wm. Oistene, Doctor in Physick, it did appear that John Lively, Vicar of Kelloe, impeached with Dr. Cosens, cannot take any long journey, being a very infirm old man, 62 years of age, and 200 miles from London. Appearance excused. Wm. Baker of London, merchant, bound in 50*l.* for his abiding judgment, if any. — Apr. 8. Robert Faulcon, clerk, (transmitted from the Commons with Dr. Cosens) discharged upon the word of the Rt. Hon. The Lord Fauconbridge that he shall appear and abide judgment. Richard Perrott, clerk, (similarly impeached) may put in bail and go down until 5 May. By reason of the troubles at Durham the Chapter-Book was removed from thence, and is not yet found; a little longer time desired. To be brought before 5 May. — Apr. 19. Dr. Marsh may go to his benefice against Easter. — May 14. Dr. Clarke, Dr. Nayler, and Dr. Duncombe, shall forthwith bring the Book of Acts. — May 18. The Book is found. To be delivered to the clerk of the Parliament, in whose presence Mr. Smarte may peruse the same, and have copies. — May 19. Dr. Cosens and others to put in their answers on Monday next. Every man to answer severally. — May 24. Commission to take the answers of Dr. Wickham and Dr. Hodson, infirm and weak in the north. All the records and depositions in the hands of Mr. Ogle to be brought in upon oath, and both sides may have copies. Dr. Cosens, Sir John Lambe, Jo. Robson, Tho. Burwell, Richard Aylett, Tho. Carr, Eleazar Duncombe, George Moorcraft, Sir Charles Cæsar, Dr. Sames, Wm. James, Wm. Eas-dall, Dr. Clarke, Jo. Lively, Ric. Marsh, Rob. Faucon, Roger Blanchard, delivered their answers, kneeling at the bar.<sup>a</sup> — May 25. Ferdinando Moorecraft is very dangerously sick.

HOUSE OF COMMONS.—The petition of Capt. Thomas Ogle read, and referred to the Committee for Mr. Smart.<sup>b</sup>

HOUSE OF LORDS.—June 2. Commission to examine Myles White, clerk, and Anthony Blanch, gent., on behalf of Peter Smart. — June 5. Dr. Cosens shall bring in his pardon, and Sir Charles Cæsar, Dr. Aylett, and Dr. Sammes, the commission and precedents mentioned in their answers. — June 8. Dr. Clarke to make a perfect answer. — June 24.

<sup>a</sup> Lords' Journal.

<sup>b</sup> Commons' Journals.

Some of Smart's witnesses in town, which are a great charge unto him, may be examined. — July 7. The bond given by Mr. Smarte unto Sir Wm. Middleton shall be brought in. Their differences referred to the Earl of Stamford. — July 14. Cause opened by counsel, and particulars proved by witnesses. After Art. 8, cause interrupted. — July 22. Proceeded in to the Art. 14. The Dean and Prebendaries to present Peter Smart, M.A., and senior Prebendary of Durham, according to the custom of the said church, unto the vicarage of Aycliff, now void, and belonging to the free gift of the Dean and Chapter. The Bishop to give institution and command induction. The tenants and other the parishioners of the said parish to yield possession and pay all tithes, rents, and profits to him or his assigns, and to pay to him what monies are unpaid unto Dr. Carr of the last year's profits. He is hereby restored unto the Fourth Prebend of Durham, notwithstanding any former sentences against him, which are hereby set aside. Tenants and others to yield possession and pay to him or his assigns all rents and profits during his life. Richard Carr to deliver to him all evidences concerning the prebend, which were in the possession of Doctor Carr. — July 28. Art. 14 proceeded in. In consideration of the great charge that Mr. Smarte hath been at to bring counsel, Mr. Serjeant Atkins and Mr. Fountayne are assigned to be of counsel with Mr. Smarte. — 1642.<sup>a</sup> Jan. 28. To be heard in Easter Term. 3 May. Meanwhile Mr. Smart's witnesses to be examined and cross-examined, and defendants to examine their witnesses, which depositions are to be used in case the examinants die before the hearing. — Mar. 24. The Commons desire expedition as many witnesses stay in town for this business. The day prefixed next term shall stand.<sup>b</sup>

[I do not find any entry on that day, and in June Mr. Smart had leave to examine two witnesses in town. The result of the matter is given in COSIN'S OWN CHARACTER OF SMART.—(Dr. Heylin's *Examen Historicum*, page 285. "Mr. Smart, who had been schoolmaster, and after became Prebendary of Durham, was an old man of a most forward, fierce, and unpeaceable spirit. Many of the Lords said openly that Mr. Smart had abused the House of Commons with a causeless complaint against me, whereupon my Lord the Earl of Warwick was pleased to bring me an Order of the Lords' House, whereby I had liberty granted me to return unto my places of charge in the University, or elsewhere, till they sent for me again, which they never did."<sup>c</sup>]

<sup>a</sup> In this year Mr. Smart published at London "A Catalogue of superstitious innovations in the Church of Durham," 4to.—Watts.

<sup>b</sup> Lords' Journals.

<sup>c</sup> Dr. Cosin "so fully vindicated himself (both by his own self, and by the very witness that Smart and his son-in-law produced against him) during the five days the affair was depending before the Lords, that most of them acknowledged his innocence. Mr. Glover, one of Smart's own counsel, told him openly at the Bar of the House of Lords, 'That he was ashamed of him, and could not in conscience plead for him any longer.' Whereupon the Lords dismissed the Doctor, upon his putting in bail for his appearance; but they never sent for him again."—Kippis, quoting Walker's *Sufferings*, p. 59, and Smith's *Cosin*, p. 10, 11; and Heylyn's *Examen Historicum*, p. 286.



[In 1643 was printed the celebrated "Septuagenarii senis itinerantis Cantus Epithalamicus—Per Petrum Smartum, Dunelmensem"—"Feb. 16, 1643, ætatis 76." In this work, the old grievances are given in Latin verse, with the author's usual violence. Mr. Wood, in the *Athenæ Oxon.*, states that other Latin and English poems were called "Old Smart's verses," but he had not met with them.]

[In June, 1642, Mr. Smart had been ordered by the Lords not to proceed against Thomas Burwell in the superior courts, because he was impeached for the same matter. The following illustrations from Hunter cannot be omitted.]

HOUSE OF LORDS.—PETITION OF PETER SMART, "a distressed minister of God's Word."—Hath spent above 50*l.* and almost a year's time in prosecution of your Lordships' last order to referees for the speedy relieving petitioner, out of the money due unto him as prebend. Hath received but 100*l.* of 600*l.* arrear, as by certificate under Mr. Marshal's hand, receiver of the rents of the Dean and Chapter, doth appear. The said [*sic*] doth [and will still, to my knowledge, *Burwell*] refuse to pay the remainder, which is 480*l.*, whereby petitioner is driven to the extremest wants imaginable, in his weakly, sick, old age, now at the very point of perishing for necessary subsistence. [*Haud credo, Burwell.*] By the certificate of the referees it doth appear that W. Bennet [and others], tenants to petitioner; John Clement, Mrs. Hester Carre, Mr. Tho. Carre, and Mr. Richard Carre, stand in contempt of the said order by refusing to pay to petitioner the sums found due by the referees. By an order of sequestration<sup>a</sup> by Tho. Burwell, chancellor of Duresme, one of the delinquents<sup>b</sup> impeached by the House of Commons, there was 144*l.* of petitioner's money<sup>c</sup> received from his tenants of Aycliffe, and disposed of according to Burwell's<sup>d</sup> order in the pretended chancery<sup>e</sup> court of Duresme. Mr. John Heath received above 60*l.* of petitioner's rents, during the Earl of Newcastle's being in the North, by reason whereof petitioner was then and is now driven into great necessity. Prayeth this Hon. House to order Marshall to pay petitioner the 480*l.*, or appear to answer the contempt, and likewise to order him, or<sup>f</sup> the receiver of the Dean and Chapter's rents for the time being, to pay to petitioner such sums as shall be due from time to time for his stipend and dividend, as formerly.<sup>g</sup> And that a messenger be awarded

<sup>a</sup> Granted at the instance of the Dean and Chapter, the patrons thereof, before ever Mr. Smart was nominated thereunto.—*Burwell*.

<sup>b</sup> Inauditum, unless he means all in general, Bishops, Deans, and Chancellors, &c.—*Ibid.* But see page 242.

<sup>c</sup> Not one penny either by the Chancellor or his directions.—*Ibid.*

<sup>d</sup> False. If so, let him produce such an express order.—*Ibid.*

<sup>e</sup> Either *Vitium Scriptoris*, or ignorance in the clerk that drew the petition.

<sup>f</sup> This *or* is the most pertinent clause in the whole petition, for Mr. Marshal hath no patent of the receiver's place: and if once put out, this order will do good upon him.—*Burwell*.

<sup>g</sup> The only prebendary in the kingdom, if the word *formerly* will bear it.—*Ibid.*

to bring the parties to answer before your Lordships their contempts in not obeying your said order unto the referees,<sup>a</sup> in not giving petitioner satisfaction. Lastly, that petitioner may be satisfied for the 144*l.* and 60*l.* out of the estates of Burwell and Heath, which are now under sequestration<sup>b</sup> for their delinquency.—Peter Smart.

HOUSE OF LORDS.—1646. May 28. Ordered accordingly. — 1648. Feb. 4. Similar order.

1648. Feb. 22. London. [Mr. Smart's letter without superscription.]—Because Mr. Gilbert Marshall and Anthony Smith refuses to pay me the 500*l.* dividend, &c., I have used means to the Parliament to be receiver of the Dean and Chapter's rent myself, and my deputies, for the term of my life. I mean to use Robert King and you about that business, who have had long experience therein, and to restore my son and Robert King to the register and auditor's office, which was wrongfully taken from them by Bullock and Abraham Clark. Mr. Thomas Marshall means to come to the country very shortly, when he hath perfected Mr. Wilkinson's business, of whom you shall understand my mind more at large.<sup>c</sup>

ANSWER OF WILLIAM CHURCH, batchelor-at-law, surrogate of Mr. Thomas Burwell, chancellor of the diocese of Durham, to so much of the orders of 28 May, 1646, and 4 Feb., 1647 [8], as concerned Mr. Burwell. 1. The vicarage of Aycliffe is none of those livings Mr. Smart was deprived of by the High Commission of Durham, York, or Canterbury. 2. Upon the death of Dr. Carre, the last incumbent, a sequestration of the profits was granted by the ordinary, the church being void, to the churchwardens, for the preservation of the profits for the use of the next incumbent, at the instance of the Dean and Chapter, the patrons, and good bond entered for that purpose. 3. After such sequestration, at the request of the House of Lords, the vicarage was granted by the patrons to Mr. Smart, who absolutely refused it, and desired it might be conferred on Mr. Carwardine, who enjoyed it for a long time after. Upon what terms Mr. Carwardine left it is unknown; so that if there be any money yet in the sequestrators' hands, it ought to belong to Mr. Carwardine as next incumbent, and not to Mr. Smart. Mr. Wilkinson doth at present enjoy the vicarage, and hath so done for two or three years, without the least interruption or molestation of Mr. Smart, neither ever did he or as yet doth look after the same. 4. Mr. Smart was presented to the vicarage by the Dean and Chapter to the Bishop, but never would take institution or was inducted either from the Bishop or the Parliament, nor hath to this day. 5. Without institution or induction, Mr. Smart, neither by the civil or common law,

<sup>a</sup> You see by this, that there was a former order, wherein there were certain referees named; and that the aforementioned parties had run in contempt of the said order; and Burwell and Heath are but newly foisted into this last order, for company.—Burwell.

<sup>b</sup> Notoriously false, for, if so, why do they not call the sequestrators of the Chancellor's estate to an account, and so pay themselves? indeed there is nothing to sequester.—Ibid.

<sup>c</sup> Hunter.



hath any interest in the tythes of Aycliffe. 6. Mr. Smart, upon the granting of the presentation, refused to come to the Chancellor to take the sequestration, albeit he then was at London, and unjustly prosecuted by him. Mr. Smart was likewise in the country not long after the sequestration was granted, and might have called the sequestrators themselves to an account, if he had pleased or had any right thereunto. 7. No one penny is disposed of by order of the Chancellor, as is falsely suggested in the petition upon which the orders are granted, but only to the curate for serving the cure, and to the churchwardens for their pains, which was never yet contradicted by law. The rest is paid by order of the committee of Durham in sessments, or by Sir Thomas Riddell by military demand, towards the use of Tinmouth Castle, as appears by the account of the said sequestrators. 8. The said account of the churchwardens, by the sequestrators aforesaid, was admitted with the usual clauses of *Quatenus de jure sit admittendus, si modo nulla fraus vel dolus, &c.*, and *salvo jure cujuscunque*. So that if Mr. Smart hath right, he may yet demand them of the sequestrators themselves, who have entered bond to pay them to the next incumbent, which bond is yet extant in the office and of force. 9. Mr. Burwell is not sequestered, as falsely suggested, neither knows cause why he should, being no delinquent, and is so declared by the committee of the said county, as may appear by a certificate thereof under the hand of their clerk.

1648. April 18. London.—MR. SMART TO MR. RICHARD HUTCHINSON. . . . You say you told Mr. Church you had order to seize upon his person. I know no such order that you had: you have order to seize upon his goods, if he hath any, for the profits he hath received out of the office since May 22nd, 1646. You say that you cannot seize upon Burwell's office in Durham, because it never was under sequestration, and is an office of trust. . . . For the clause in the order in May, 1646, which takes notice of the sequestration, it was intended by the Lords in my favour, to the end I should not be defrauded of my right under pretence of sequestration, but you pervert it now to my hindrance. You will find the express words of the last order are, that I should be paid the 204*l.* mentioned in the order of the 22nd of May, 1646, out of the lands, goods, and offices of the said Burwell and Heath (which is John Heath and Thomas Burwell,\* expressly named in the order), so the wanting their christian names in the latter order is a cavill of no ground for you not to seize that office, and John Heath's lands at Old Durham and elsewhere, and Thomas Burwell's office at Durham, and William Church's goods for the 104*l.*, with good charges for the trouble and charges in seeking it, and I will defend you. . . . You say it is an office of trust and cannot be seized, but I tell you that legally it may, in the ordinary course of law, be seized upon for a debt as Burwell's freehold for his life, much more by the extraordinary power of the Lords in Parliament. . . . What you mean by saying Ogle is not a Justice of the Peace, I know not, the rather that you have blotted

\* The christian name of Burwell occurs in the recital of the order of May, but Heath is only called "one Mr. Heath."

out something that follows, except you intend, together with them, to affront Mr. Ogle, and me through him. I tell you if Mr. Ogle had listed to comply with those courses, which it seems Burwell hath done, if he be not sequestred, he might not only have been a Justice of Peace, but have had a greater command there and elsewhere. For the paper you send inclosed, subscribed by Church, I wonder from whom you have commission to receive answers from him, especially when you were informed it was scandalous and lies, or why you should be his messenger, or I his solicitor unto the Lords. Church, in so thinking and saying, is both a fool and a knave. I smothered not his answer when it was legally taken before the referrees at Durham, it remains upon record in the Lords' House, and was the foundation of this order, which you have now to execute upon him, and so the saddle is set upon the right horse. For who is so fit to bear the burthen as Burwell, who most unjustly and maliciously did make that sequestration, on purpose to defraud me and my substitute, Mr. Caradine, of the profits. Pray, therefore, as you respect me or your friends here that have employed you, lose no more time, but, if they will not pay you the 204*l.*, seize upon Mr. Tho. Burwell's office in Durham, and Mr. John Heath's lands and goods in Old Durham and elsewhere, and the goods of Wm. Church where you can find them, in which act I will justify and defend you. . . . I wish you to go no further than the order doth warrant you, which relates to the same Heath and Burwell mentioned in the order of the 22nd of May, 1646.—PETER SMART.

MR. HUTCHINSON TO MR. SMART. . . . You do me open wrong. I have done, and yet will do, to the utmost of my power, in pursuit of the Lords' order, so far as that will bear me out, but no further. . . . I have been at council about it, how far I may go. . . . Concerning Church, I have been with him. Goods there are few or none to be gotten. . . . They were wise enough to secure them and convey them out of the way, and he denies me not, but bids me come and take what I please and welcome, but withal bids me be sure I have more authority for it than your private letter, or Mr. Ogle's instructions, for he saith the orders of the Lords concerns him nothing at all, he is not so much as once named in it, besides he saith he sees no reason you should seize his goods that never meddled with any of yours, and if you be above ground he will have satisfaction from me, or else Boulden shall pay for it. For the office he bids me seize when I please, he hinders it not, he saith you might have done it long since if you would. True it is, I might seize on the office and lock up the doors, as the committee did once before, intending to seize of Mr. Newhouse the register's place, but what were they the better? The business of the county was obstructed for a time; and at length, by the country's means made to the committee, the doors were opened, and he still enjoys the profits thereof, albeit he is made a delinquent, and hath a charge exhibited against him both at York and Durham, and his lands sequestred all this time. Church saith what he received he hath paid over to the Chancellor himself, or for the relief of his children, by his special command; neither did he ever see any order commanding him to execute the place, and be



accountable to Mr. Smart. He is no servant to the Chancellor against his will, and scorns to be a slave or servant to Smart or Ogle, neither doth he believe the Parliament will ever compel him thereto, being so absolutely against the liberty of the subject. If you intend to do any good of the office, you must get a civilian to come down and execute the place, and procure him an ordinance for the enabling him for exercising the jurisdiction (for Mr. Church will not for you) which will never satisfy the party for his pains, unless the times mend and grow better than at present. For no man does any thing but what meer necessity drives him to. So you see what profit is to be expected, if the office should be seized upon. Yet, give me leave to give you such satisfaction as my counsel gave to me. They instanced to me in two cases, that such an office could not be seized upon by law. First, anno 25 Hen. VIII., Dyer, fo. 7, Nu. 10. The case of the office of Fillizer; Ph. Shelly; That a Fillizer's office cannot be extended upon a statute, although it be a freehold upon which an assize lies, because it is an office of confidence; for it cannot be sold; it cannot be alienated, for as much as he is an officer to the court, and doth the business of the court and not his own. The next is Plowd., fol. 378. Sir Henry Nevil's case. One grants an office of the custody and keeper of a park, and of the deer in the park, and a rent of 3*l.* 10*s.* for the exercise thereof, out of a manor, to two, for their lives. The one of them is attainted of treason: the king shall neither have the office nor the rent, for the same reason in the foregoing case alledged; and, in the case of Sir Henry Nevil's, fol. 380, if both the grantees had been attainted, this should not forfeit the office. The reasons you may see in the case at large. As for the power of the Lords, Church saith, he disputes it not: but there is not so much as the office mentioned in the Lords' order of May 22nd, 1646, to which the latter order has relation (for the very words are, to do according to the former order of May 22nd, 1646), much less the seizure thereof expressed. And whereas you say Church is both a fool and a knave in thinking you would be his messenger or solicitor, to solicit the Lords on his behalf, by giving in his answer, which you say is both scandalous and full of lies; methinks you should the rather have done it, that the fellow might have been punished, and your cause would thereby be further strengthened. And where you say that Burwell did unjustly and maliciously grant a sequestration, merely to defraud you of your right, how can that be? Unjustly it cannot be, because it was warranted by law (Doctor and Student, Lib. 2, Cap. 36, in the end); and maliciously to you it could not well be, because the Lords bestowed it upon you afterwards and not before. And in the close of your letter, you bid me be sure to go no further than the order will warrant me. . . . Unless you obtain an order to seize on Church or his estate, I shall not meddle. And for to lock up the office doors I can do it tomorrow, by vertue of the Lords' order, but shall never be the better unless you get one to execute the place. . . . As for your deputy whom you appointed, he saith he will not, nor dare meddle with it, being a place of judicature. For if they may prove wills before him, they may as well prove them one neigh-

bour with another at home, and never come as far as Durham for it. Besides the country is a little wiser than to throw away their money about the probate of wills, and granting administrations which are not good in law; and which they will be no better by. Mr. Heath gives me the same answer in effect; for he saith he was but merely instrumental in the receipt of the monies, for he being an officer of the court, by a decree in Chancery it was paid into the court and by the same authority paid out again; so that he meddled no further than as an officer of the said court, being commanded so to do by the judge thereof. He hinders me not to meddle with any thing under sequestration; but to meddle with any thing else (he having already compounded for his estate) he will stand upon his defence, and bids me at my peril do it. He saith, you had time enough to look after it, whilst his estate was under sequestration; and that Mr. Ogle was in the country about it, and with the Committee also.

Sept. 26. MR. SMART TO MR. THOMAS MARSHALL, MR. WILLIAM WIDDINGTON, AND MR. WILLIAM KING, AT DURHAM. Let Will. Widdington come with the Richmond carriers, and bring what money he can get in all places, Bowden, Witton, my stipends, and 100*l.* dividend at Durham, and whatsoever else can be gotten of tennants in the country, unless my brother Marshall can find a readier way of present conveyance, from whom I would be fully informed concerning my brother Mr. John Smart, and all other matters concerning the country.

Oct. 31. MR. SMART TO ROBERT KING AND W. WIDDINGTON.—I received . . . your letters, by which I had the first certain notice of my brother Thomas Marshall's coming towards London . . . I am in a most miserable condition, for want of his presence in London, both I am in extreme want of money, a good quantity whereof he received at Witton and elsewhere, to bring with him: and also because none so well as he can handle all my business with the sadler Hutchinson, Mr. Oxbridg, Mrs. Harmer, and my son Ogle, and other matters concerning the Committee at Durham, my printed papers, and the two Lilborns' strange opposition, by putting in Gilbert Marshall and Ant. Smith into the receiver's office again which they had given over; likewise concerning the leases of Bennet and Smith of Ash. It may be my brother John Smart can inform me in what ship he came, and what is become of him, and likewise what quantity of money he received and should have brought, that Mr. Gil. Marshall and Mr. Smith may send me presently by bill of exchange my 100*l.* dividend, and 25*l.* or 33*l.* 6*s.* 8*d.* stipends. I have discharged my son Ogle for intermeddling hereafter with any money belonging to me, for he hath dealt falsely with me, to my utter undoing, therefore whatsoever is now, or hereafter shall be paid to him must be paid over again to me. And this I would have all men take notice that I trust him not. You wrote to me that Mr. G. Lilborne and Mr. Richard Lilborne, with Mr. Grey and Capt. Shaw, were coming to London about the sale of the Dean and Chapter's lands. I wrote to my brother Marshall, not knowing whether he was come away, and to you two, that it was out of the Committee's power or the Parliament to



sell or dispose of my prebend, or anything belonging thereunto, I having never been a delinquent against any Parliament, and consequently nothing appertaining to me was either sequestred or sequestrable. . . . Of that letter I wrote to you, to take a copy and keep it, and then deliver it first to one Mr. Lilborne, and then to the other his brother, that they might see what wrong they did me, in taking away my dividend because no leases were sealed, fines originally being no part of the dividend, but vacations of the Deanery and Prebendaries, all of which were due to me alone, since they are void or sequestred.

[The subsequent history of Mr. Smart is obscure. "I find (writes Dr. Hunter in 1736) only by report of old persons, yet living, that after coming into the North, he lived some time, and died at Baxterwood, a mile distant from Durham, in the parish of St. Oswald in that city. The register of burials there, and in the contiguous parish of Witton Gilbert, where his prebendal lands lay, I have carefully examined, but cannot find him interred at either place, so am apt to think that, if he was not buried somewhere about the dissolved cathedral, it has been his fate to be interred in some field or yard at or near the place where he died." A family of Smart at Whickham lately claimed descent from him; and there was a learned editor of his name in the last century. The Smarts of Snotterton have already been mentioned. Granger has two portraits of the prebendary, one in 12mo, engraved by Hollar in 1641, when Smart was "æt. 73." He is described as "one of his Majesty's High Commissioners in the province of York; who, for preaching against popery, anno 1628, lost above 300*l.* per annum, and was imprisoned in the King's Bench about eleven years by the High Commission.

"Peter preach downe vain rites with flagrant harte,  
Thy Guerdon shall be greate, though heare thou Smart.

Geo. Abbot, Archiepis. Cant., composuit."

Archbp. Abbot died 1633. The lines are also written by a contemporary hand on Mr. Trueman's copy of the English edition of Smart's Sermon, imprinted 1628. The other portrait is in 4to.]

## APPENDIX B.

## THE HIGH COMMISSION.

The statute of 2 Hen. IV., 15, (against the Lollards) was the first to confer fresh powers upon the old ecclesiastical jurisdiction, which, as appears by the preamble, was confined to excommunication. It authorized the bishops to imprison, fine, and force persons to accuse themselves on the oath generally known as that *ex officio*. It is said not to have received the assent of the Commons, and after many complaints from them, this Act was revoked by the 25 Hen. VIII., 14, which states that the oath *ex officio* was unjust, and contrary to the laws of England. The ecclesiastical jurisdiction fell into its former state. Fines might perhaps be taken for commutation of penance, and the common law courts might issue the writ *De excommunicato capiendo*, but they might also discharge the person captured by the writ of *De cautione admittenda* or that of *scire facias*. The obnoxious statute was revived by 1 and 2 Phil. and Mar., 6, and the martyrs were examined on the oath *ex officio*, but the latter Act was repealed by 1 Eliz., 1., and to prevent error, the Act of Hen. IV. is also expressly repealed. Yet under colour of this very Act of Elizabeth was the oath revived. It contains the following important clauses:—

17. "That such jurisdictions, privileges, superiorities, and pre-eminences spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been, or may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the Imperial Crown of this realm. — 18. And that your highness, your heirs and successors, kings or queens of this realm, shall have full power and authority, by virtue of this act, by letters patents under the Great Seal of England, to assign, name, and authorize, when and as often as your highness, your heirs or successors, shall think meet and convenient, and for such and so long time as shall please your highness, your heirs or successors, such person or persons being natural-born subjects to your highness, your heirs or successors, as your majesty, your heirs or successors, shall think meet, to exercise, use, occupy, and execute under your highness, your heirs and successors, all manner of jurisdictions, privileges, and pre-eminences, in anywise touching or concerning any spiritual or ecclesiastical jurisdiction, within these your realms of England and Ireland, or any other your highness' dominions and countries; and to visit, reform, redress, order, correct, and amend all such errors, heresies, schisms, abuses, offences, contempts, and enormities whatsoever, which by any manner of spiritual or ecclesiastical power, authority, or jurisdiction, can or may lawfully be reformed, ordered, redressed, corrected, restrained, or amended, to the pleasure of Almighty God, &c.; and that such person or persons so



to be named, assigned, authorized, and appointed by your highness, your heirs or successors, after the said letters patents to him or them made and delivered, as is aforesaid, shall have full power and authority, by virtue of this act, and of the said letters patents under your highness, your heirs and successors, to exercise, use, and execute all the premises, according to the tenor and effect of the said letters patents, any matter or cause to the contrary in any wise notwithstanding."

No mode of procedure is prescribed to the Commission. There were to be two witnesses against persons indicted under other clauses of the Act, and it was argued that more rigorous measures were not contemplated. Notwithstanding sec. 17, the usual Ecclesiastical Courts were continued without question.

The first High Commission, whereby about twenty bishops and many clergymen were deprived, "passed not above twenty sheets of paper copywise," while the Commission of Charles's time exceeded three hundred sheets (4 Inst., 326). The Commissions before Chancellor Egerton's time were not enrolled, and none knew the jurisdiction conferred by them.

That the power of imprisonment was not vested in clerical hands, appeared by 5 Eliz., 23, providing for the due execution of the writ *de excommunicato capiendo*. It was also conceived that the Acts of 23 Eliz., 28 Eliz., &c., inflicting fines and imprisonment for not attending divine service, &c., were inconsistent with the existence of a concurrent power in the Commissioners. Coke was informed, that though fines might have been wrongly imposed on the ignorant for adultery, fornication, simony, usury, defamation, &c., during Elizabeth's reign, not one of them was levied by the Exchequer. Appeals to the superior courts were brought on habeas corpus by well advised and wealthy defendants. Only eight years after the passing of the Act, Lord Dyer in the Common Pleas ruled that the Commission could not imprison for hearing mass (12 Rep. 27). He discharged a prisoner who would not take the oath *ex officio* to answer for usury, an offence punishable at common law, for which a confession would be available (12 Rep. 27). He also ruled that slander against the Commissioners was like other slanders and defamations to be tried by the temporal courts only (12 Rep. 44), and that they could not try a right of advowson (Godolphin). The Commissioners relied upon the statutory power "to execute all the premises according to the tenor and effect of the said letters patents," and referred to the letters which enabled them to attach, fine, imprison, and administer the oath *ex officio*. The arguments and proceedings of the Nonconformists, and the replies of their adversaries, may be found in Fuller's Church History, under 1587. The future plea for the sovereign's common-law right to issue a High Commission, independently of statutes, is foreshadowed in a reference to applications of the oath *ex officio* to Bonner and Gardiner in Edward the Sixth's time, and the scriptural requirements of two witnesses were rebutted by Deut., xxi., 7. The Nonconformists quoted John, xvii., 21, and 2 Cor., iv., 5.

Lord Anderson, Dyer's successor, held that the Commission might deprive a rector of his rectory for slander against the Book of Common Prayer, although the Act directed a less punishment, because the sta-

tutory power of indictment did not restrain the concurrent jurisdiction. (Cawdry v. Atton. Poph. Rep.) But while he thus upheld a spiritual censure, he restrained the Commission generally. A warrant of arrest instead of citation was condemned, and a defendant who in resisting capture slew the constable's assistant was acquitted of murder (4 Inst. 333). The principle of his decisions seems to have been that the Commission had not concurrent jurisdiction in small cases where the ordinary ecclesiastical courts had cognizance, and could not imprison. In cases of violence, and irreverence, and slander, against clergymen, breach of promise of a yearly sum in marriage, and working on holy days, the courts of Common Pleas and Exchequer decided for the sole jurisdiction of the ordinary, and a prisoner for adultery was released (Godolphin and 4 Inst., 332). In fact it was held, in the reign of Elizabeth, and early part of James's, by all the courts that the Commission should be limited to certain particular enormous and exorbitant causes (4 Inst. 334). Archbishop Whitgift, therefore, brought refractory nonconformists into the Star Chamber, the power of which was indisputable (Fuller's Ch. Hist.), and that court in 1605 decided that the Act of 1 Eliz. was merely declaratory of a previous power to grant the commission. In 1605 Lord Gawdy succeeded Anderson, and continued his policy, which, the same term, called forth Archbishop Bancroft's Articles of Abuses in granting of Prohibitions, which, with the rather curt answers of all the judges are given in 3 Inst., 601. The spirituality only elicited what was of the highest authority next to an Act of Parliament. It was distinctly laid down that the writ *de excommunicato capiendo* would only be carried out upon a certificate particularizing the causes of imprisonment, even though a bishop had been abused; and that though an *ex officio* proceeding required no libel, yet the cause was to be declared that the person required to take the oath might see whether it was of ecclesiastical cognizance, otherwise he need not take it. The Archbishop accused the judges of an "innovating humour grown rank," and as the spiritual arm was growing rank also, a war, which had always existed between the temporal and clerical courts, raged fiercely until the disgrace of Lord Coke in 1616. He followed Lord Gawdy in 1606. In an after-dinner consultation in Serjeants' Inn, 1607, the judges and serjeants resolved that even if the King could grant an Ecclesiastical Commission by common law, the Commissioners were bound to proceed by the ecclesiastical laws in force, as the King could not alter laws by commission: also that the words *so authorized* in 1 Eliz. 1., referred only to the authority of the *said* letters patent.

About this time the famous case of Nicholas Fuller, the print of which in 1641 aided the overthrow of the Commission, occurred. He pleaded before the King's Bench, in a most elaborate argument, for the release of two prisoners, one of which refused to answer upon a new oath, without seeing his former answers, being charged with perjury. He complained of the unrestrained powers of the Commissioners, who might cite a man from the furthest part of the realm on a bare suspicion in time of harvest or plague. In Easter term he had moved in the



Exchequer for twenty Yorkshire clients, some of them very poor, who had been fined for nonappearance on the days appointed, many at 30*l.* a piece, one only at 10*l.*, the rest at 20*l.*, which was not salvo contenmento, according to Magna Charta, 14. When he had objected to their being judges of his former argument made against themselves in the King's Bench, and said, in reference to the oath *ex officio*, that he was in a new world or other commonwealth, they had threatened to imprison and fine him 500*l.* They had alleged that, in cases of *præmunire* and other high offences, they did not use the oath, though enabled to do so, because they saw it was not lawful or right. The judges, said Fuller, might add that in cases of less penalty, to their knowledge, until of late years, the Commissioners neither forced any to accuse themselves, nor imprisoned them on refusal to do so.

Fuller was immediately attacked by the Commission, and on resorting to common law, was returned to the spiritual court, but the Commissioners were prohibited from entertaining scandals or contempts of themselves, which were only determinable at Westminster, or any question of the validity or authority of their letters patent, for the construction of statutes belonged to the judges. The Commissioners imprisoned and fined Fuller of schism and error, and a *habeas corpus* in Mich. Term, 1607, failing him on such charges, he lived and died in prison (12 Rep. 44: Fuller's Ch. Hist.) The same term it was decided that *præmunire* applied to the Commissioners, and that they could not imprison an impropiator for detention of a pension, for even the clause of fine and imprisonment in the letters patent applied to criminals only (12 Rep. 45). And the Commons, in 1607, passed a bill against the proceedings of the Commission. It was thrown out by the Lords, and the Parliament, being prorogued, did not again meet until 1610. In 1608 it was again resolved that arrests were illegal, that the course should successively be by citation, excommunication, and the writ of *capias excommunicatum*, returnable under 5 Eliz. 23 (12 Rep. 49). A prohibition was granted to Marmaduke Langdale of Leaventhorp in Yorkshire, because the withholding of maintenance from Joan his wife was no enormity under the act, but a neglect of duty, and if entertained before the King's Commission, the husband was deprived of appeal (Ibid. 50). Bancroft now suggested to the King the notable expedient of removing and determining questions himself, as the judges were but his delegates. Before all the Judges, on a *Sunday*, the Archbishop declared that such authority belonged to the King in the Word of God. Coke answered that a judgment was "*consideratum est per curiam*," that the King, to whom the parties might appeal in his House of Peers only, could not adjudge any cases, neither could he arrest, for the party had no remedy. James "thought the law was founded upon reason, and that he and others had reason as well as the Judges." Coke acknowledged his wisdom, but submitted that causes required a reason long educated in the laws, and "that the law was the golden metwand and measure, to try the causes of the subjects, and which protected his Majesty in safety and peace." The King, "greatly offended," said that then *he* should be *under* the law, which was treason to affirm. To

which Coke replied, "*Bracton saith, Quod Rex non debet esse sub homine, sed sub Deo et Lege* (12 Rep. 65).

In Michaelmas Term, 1609, it was decided that scandal as to skill of a doctor of Physic was matter temporal, and that defamation ought to begin with the ordinary, if with ecclesiastical judges at all; that no man was to be examined upon oath as to his intention and thoughts, and was not bound to declare his opinion on points of religion; and that the Commissioners were not to entertain scandal of themselves, it being punishable at common law, and they being parties (13 Rep. 9).

The members of the parliamentary meeting of 1610, made the Commission one of their most important grievances before granting supplies. A new Bill against it passed the Commons. Bancroft pressed the King to stop it. A subsidy from the clergy of the Canterbury Convocation relieved state necessities, the Bill was thrown out by the Lords, the Archbishop died immediately, and the statuteless session was dissolved.

In 1610, a clergyman deprived for drunkenness was not relieved directly, but the court told him that if he brought an action for his tithe, his sentence would come in question (Brownl. Rep. 2). It was also decided in Lady Throgmorton's case, that detaining a wife from her husband was remediable, not by the Commission, but at common law, that endeavours to separate them were not "enormous" offences, and that her ladyship's speech in the Commission Court, that she neither had law nor justice there, did not justify her imprisonment, the court not being one of Record (12 Rep. 69). The year saw an establishment of a Scotch High Commission, compared with which the English one was moderation itself. Yet the King had never been acknowledged as supreme over the Scotch Church, and there was no enabling statute.

The bailing of Sir William Chancey from imprisonment for adultery, which ought to be punished by the ordinary, and refusal to pay alimony, for which the Commissioners could not imprison, led to grievous complaints by Archbishop Abbot (12 Rep. 82). All the Justices met at Whitehall, and Coke defended himself in that elaborate treatise which appears as the resolution of Easter Term, 1611, in 4 Inst. 332. Abbot instanced the Commissions of Henry VIII. and Edward VI., and urged that the same power had been given in 1 Eliz. 1. Coke's reply was the word *lawfully* of the statute, and the Justices all decided that before the 1 Eliz. no ecclesiastical judge might fine or imprison without parliamentary authority. Much tampering and separate questioning of the other courts resulted in little, and the Court of Common Pleas was so firm, that the King declared that he would reduce the Commission to spiritual causes, and the Lord Treasurer declared that the principal feather was plucked from it and nothing but stumps remaining—that the Commissioners should *not* intermeddle with matters of importance, but only of petit crimes, that the words *errors* should be explained, and no obligations be taken of the parties as before absurdly and unjustly (as he said) had been taken (12 Rep. 84). The new Commission was published in Michaelmas Term, and Coke and other Judges were made Commissioners. He peremptorily refused to



sit, and when the other Judges were inclined to follow him, the Lord Treasurer was compelled to allow the three great skins of parchment containing the commission to be read. It contained divers points against the laws, and all the Judges rejoiced that by Coke's example they had stood during the whole proceedings.

As a sort of punishment for his continued independence, Coke was removed from the Common Pleas to the King's Bench in 1613. There were some more cases in both courts against the jurisdiction in alimony, and Coke's rulings on this point were referred to in the next reign as solid law. His decision against commendams led to his supersedeas in 1616. It was said that four P's had overthrown him, Pride, Prohibitions, Præmunire, and Prerogative. His daughter was afterwards sentenced by the High Commission to stand in a white sheet in the Savoy church, for an intimacy with Sir Robert Howard, but avoided the penance by flight.<sup>a</sup> The palmy days of the Commission were setting in. How the Judges acknowledged the King's power to grant Commissions at common law, and upheld the acts of the Commissioners, may be seen in the trial against Smart in 1632 (p. 208), yet there are cases between 1627 and 1632 (Hetley's Reports), while Richardson presided over the Common Pleas, in which a free spirit was shown. "I marvel," said Yelverton, "how that (alimony) came within their commission; in tempore Jacobi, upon a debate before him, Sir Edward Coke so fully satisfied the King, and this matter of alimony was commanded to be put out of their commission." And C. J. Richardson remarked that the commission was to try heresies and such things ecclesiastical. A prohibition issued for Dr. Clay, vicar of Halifax, upon some curious articles exhibited by one Smith to the High Commissioners of York.<sup>b</sup> In another Yorkshire case against Mr. Howson, vicar of S., it was held that the Commissioners could not punish

<sup>a</sup> Campbell's Justices, i. 335.

<sup>b</sup> He read the Bible in an irreverent and indecent manner. Against his oath and the canon, he had neglected for sundry mornings to preach. He employed the cups, and other consecrated vessels in his own house, and put barn in the cups, polluting them so that the communicants were loth to drink out of them. He did not observe the last fast on the Wednesday as proclaimed, but on the Thursday because it was an holy-day. He retained, in one of the chapels of ease, one Stephenson, an adulterer and drunkard. He did not catechize according to the parish-canon, but only bought Dr. Wilkinson's catechisms at 2*d.* each, and sold them to the parishioners for 3*d.*, without examination or instruction. When commissions were directed to him to compel persons to do penance, he exacted money of them, and so they were dismissed without penalty. He and his servants used divers menaces to the parishioners. He disgraced his function by base labours, viz., he made mortar, having a leathern apron on, and himself took a little pig out of the pigsty and castrated it. When he had presents of fish, flesh, and ale sent him, he did not invite his friends and neighbours to partake of them, or give them to the poor, but sold the flesh to butchers and the ale to alewives. He commanded his curate to marry a couple in a private house, without any licence. He suffered divers to preach, who peradventure had not any licence, and who were suspected persons and of evil life. It was argued by counsel, that the Commission could only examine heresies and things of that nature; and that the Commissioners at Lambeth had certified to those at York to that effect, and advised them to dismiss the cause, but that they would not desist.

nonresidency or breaking open a pew during divine service, and other small offences against him were referred to the ordinary, who might bind him to good behaviour.\* And, in 1629, a prohibition issued against the Commissioners in Durham proceeding for abusive language in open court against the official of the Dean and Chapter (p. 12).

The Commissioners at Durham, though having separate officers and books, were a quorum of the Commissioners for the whole province of York, and the Archbishop sometimes required the transmission of a case to him (p. 21), and the Bishop of Durham exercised a sort of directive power (p. 27, 182, &c.). In practice the Commissioners in Durham confined themselves to the diocese of that name, an arrangement probably suggested by the statute against citing persons to the ordinary ecclesiastical courts out of their own dioceses, but we find one case in which the curate of Cleasby is proceeded against, and eludes the officer by retreating to his church.

A commission had issued 1 August, 1 Car., 1625, under which Bishop Neile and others qualified at Auckland on Oct. 20. Dr. Hunter appears to have had their Act Book. He gives us the court days, and a few of the Commissioners, as in Appendix C. The Book of Depositions used in this volume commences on 5 Oct., 1626. John Cradoeke was actuary by deputation of Sir George Paul, principal registrar for the whole realm.

In Aug., 3 Car., 1627, another commission for the province of York was dated, and Bishop Neile and others qualified at Durham on Sep. 1. These Commissioners began the proceedings against Mr. Smart, one of their own body. Cuthbert Sisson and Gabriel Jackson occur as actuaries. The actuary does not always concur in, or appear satisfied with, the secret determinations of the Commissioners (p. 21). A more curious case occurs at p. 109. Other officers were a messenger, who often employed a deputy, and an apparitor (p. 34). Some of the courts are only known by the enumeration of Hunter (See Appendix C.), who must have seen or possessed the Act Book, probably the same as that of the commission of 1625. The Act Book used by me commences 1628, Oct. 2. In 1630 the Commissioners determined to hold their court monthly, yet the uncertainty of the court is an inconvenience in p. 29.

On 25 March, 5 Car., 1630, another commission issued, but it does not seem to have been presented at Durham until 7 Mar., 1631, and it mentions a commission of 8 Jan., 4 Car., 1629, of which there is no trace. The concluding clause of the new commission leads to the impression that the commissions were cumulative, and not necessarily revocatory of previous ones not so comprehensive.

\* He lived at Doncaster, and neglected to serve his cure. Divers times, when the "High Court" visited, he spoke so loud that he was offensive to many, and when reproved for that, gave a scornful answer. One Wright, of the parish, had a seat in the church, and the vicar would spit in abundance into the said seat, and that when Wright and his wife were there. He thrust open the door of Wright's seat, and said that he and his wife would sit there, in disturbance of divine service. In his sermon he made jests, and said "that Christ was laid in a manger, because he had no money to take up a chamber, but that was the knavery of the innkeeper;" he being then in contention with an innkeeper in the parish.



This Commission of 1630, which governed the majority of the proceedings here printed, is given at length by Dr. Hunter in his "Illustration of Mr. Neal's History of the Puritans." It is addressed to the King's councillor, Samuel Archbishop of York, and the Archbishop for the time being;\* councillor Thomas Lord Coventry Lord Keeper; and to the Lord Chancellor\* and the Lord Keeper\* for the time being, the King's cousin and councillor Thomas Viscount Wentworth, Lord President of the North, and the Lord President of the North\* for the time being; cousins Francis Earl of Cumberland,\* and William Earl of Derby,\* and cousins and councillors Theophilus Earl of Suffolk,\* and William Earl of Exeter,\* cousins John Earl of Clare,\* Emanuel Earl of Sunderland,\* and Thomas Viscount Savage;\* John Lord Bishop of Duresme and the Bishop for the time being;\* John Lord Bishop of Chester and Barnabas Lord Bishop of Carlisle, and the Bishops thereof for the time being;\* Henry Lord Clifford,\* and John Lord Darcy,\* councillor John Lord Savile Baron of Pounfrate,\* Comptroller of the Household; Thomas Lord Falconbridge\* and Thomas Lord Faifax Baron of Camroone;\* the Lord Mayor of York for the time being;\* the Justices of Assize in the county of York for the time being;\* Sir Richard Hutton, Knt.,\* a Justice of the Common Pleas; Sir Gervas Clifton, Sir George Booth, and Sir Henry Savile, Knights, and Baronets; Sir Ralph Ashton, Baronet; the Deans of York and Durham\* and the Temporal Chancellor of Durham for the time being;\* Sir Thomas Posthumus Hobby, Sir Henry Slingsby, Sir Randolph Maynewaireing, Sir John Gibson, Sir Arthur Ingram, jun., Sir John Dalston, and Sir George Dalston, Knights, the King's Council at York in fee, in ordinary, for the time being; the Deans of Chester, Carlisle, and Rippon, for the time being;\* George Butler, Esq., one of the gentlemen of the Privy Chamber, Christopher Wansford, Esq., and William Easdale, LL.D. ;\* the Archbishop of York his Chancellor for the time being;\* Edmond Manwareing, LL.B., and the Secretary of the Council in the North for the time being; Richard Palmer, B.D., Precentor of the church of York, and the Precentor for the time being;\* Phineas Hodson, D.D., Chancellor of the church of York, and the Chancellor for the time being;\* Henry Wickham, D.D., Archdeacon of York, and the Archdeacon for the time being;\* the Chancellors to the Bishops of Durham, Chester, and Carlisle for the time being;\* the Attorney in the North for the time being; the Archdeacons of Nottingham, East Riding, Cleveland, Durham, Northumberland, Richmond, and Carlisle, for the time being;\* George Stanhope,\* Thomas Benson,\* Charles Odingsels, Edmond Beadsor, Robert King, Augustine Linsell,\* Thomas Jackson,\* Edmund Mason, Matthew Wren,\* William Fuller, Robert Newell,\* Doctors in Divinity; Thomas Kay, clerk, Succentor Canonicorum in ecclesiâ Ebor.; the Recorder of York for the time being; Philip Ford, Richard Parret, Prebendaries of York; Robert Morley, Esq., Francis Burgoine,\* Marmaduke Blakiston,\* Ferdinando Moorcroft,\* John Robson, William James, Prebendaries of Durham; Clement Holder, Richard Marsh, and George

\* The persons followed by an \* are appointed a quorum.

Brittaine, Prebendaries of Southwell; John Bramhall, B.D., Subdean of Rippon, Laurence Hinton, clerk, Joseph Cradock, A.M., Robert Brookes, clerk, John Lively, B.D., Thomas Carre, B.D., John Alden, George Murrey, John Teasdall, Owen Stocton, Thomas Searle, Anthony Wilkinson, John Boston, Robert Facon, clerks, and Timothy Thurescrosse, B.D., and Prebendary of York.

The Act of 1 Eliz. 1, is recited, and the above Commissioners, or any three or more of them whereof one was to be of the persons marked with an asterisk, are assigned to execute under the King "all manner of jurisdictions, privileges, and preeminences, in any ways touching or concerning any spiritual or ecclesiastical jurisdiction within any county, city, borough, or town, or other place or places, exempt or not exempt, within the province of York, and to visit, reform, redress, order, correct, and amend all such errors, heresies, abuses, offences, contemptes, and enormities whatsoever, which by any manner of spiritual or ecclesiastical power, authority, or jurisdiction can or may lawfully be reformed, redressed, ordered, corrected, restrained, or amended to the pleasure of Almighty God, the increase of virtue, and the conservation of the peace and unity of this realm. And we give and grant to you, thus by us, appointed, by force of our supreme authority and prerogative royal, and of these our letters patents, full power and authority by force of the said Act of Parliament and of these our letters patents from time to time, under us, to exercise, use, and execute all the premisses, according to the tenor and effect of these our letters patents, any matter or cause to the contrary in any ways notwithstanding."

Then follow recitals of the Acts<sup>a</sup> of 1 Eliz. 2, for the Uniformity of Common Prayer, and 5 Eliz. 1, for the assurance of the Queen's Royal Power over all persons ecclesiastical; the Act of 13 Eliz. 12, to reform disorders touching ministers of the church; and the Acts of 35 Eliz. 1, 2, to restrain her subjects in their due obedience, and to restrain Popish recusants to some certain place of abode; and that "divers seditious and scandalous persons do not cease daily to invent, publish, and set forth false rumours, false tales, and seditious slanders, not only against us and the said good laws and statutes, but also divers seditious books and libels within these our realms of England and Ireland and dominions of Wales, meaning thereby to move and procure strife, division, and dissention amongst our loving and obedient subjects." An Act of 1 Jac. for the due execution of the statutes against Jesuits, seminary priests, recusants, &c., is also recited, with the King's wish that the said several acts should be put in execution, and therefore the following powers, during the King's pleasure, are conferred upon the Commissioners. I give the offences treated at Durham, and the pages in which instances of the offences occur in the Act Book before me, with the pages of this volume in which they are to be found.

<sup>a</sup> It was complained that these acts were not comprised in "the premises" of 1 Eliz. 1. The 1 Eliz. 2 gives the carrying of it out to the civil authority, but reserves the jurisdiction of the Ordinary. The 13 Eliz. 12 gives jurisdiction to the Ordinary, or the Queen's Highness' Commissioners in causes ecclesiastical. The 35 Eliz. 1, 2, speaks of conviction generally.



"(1.) To enquire as well by the examination of the parties themselves,<sup>a</sup> as by witnesses and all other ways and means you can reasonably devise, of all offences, contempts, transgressions, and misdemeanors done . . . within the said province contrary to the tenour and effect of the said several acts. . . (2.) To enquire of all and singular heretical enormities and offensive opinions, seditious books, contempts, conspiracies, private conventicles, false rumors and false tales, seditious misbehaviours,<sup>b</sup> slanderous books, libels, writings, words, sayings, published, invented, or set forth, . . . against us or against any our magistrates, officers, or ministers, or others whatsoever, and contrary to the foresaid laws or statutes. . . or any other laws or statutes. . . ordained for the maintenance of religion, or tending to the depraving of them. . . and of all and every the offender or offenders therein, and . . . the coadjutors, counsellors, comforters, procurers, and abettors of . . . any such offender. . . (3.) To enquire and search or apprehend and imprison by our messengers, pursevents, and officers, or otherwise . . . Jesuits, Seminary priests, and all other Popish priests, obstinate and dangerous Popish recusants, suspected of practice against the State, and sectaries, and . . . persons which have or shall send . . . any child or children of their own or of any others, or any person or persons beyond the seas to be there . . . brought up in the Romish religion. . . and also all such as shall send . . . any money or other things towards the relief or maintenance of any child or children, or of the seminaries or schools themselves, or of any persons or persons living and abiding in the same.<sup>d</sup> (4.) To enquire

<sup>a</sup> The oath *ex officio*, so much complained of. Refusals to take it are not frequent in the Durham proceedings. In p. 54 we have Mr. Brandling refusing to sign his answer, although he had taken the oath.

<sup>b</sup> The same words "and many other civil offences" occurred in the commission in force in 1607. That commission seems, from Nic. Fuller's quotations, to have nearly resembled the present one.

<sup>c</sup> Being an Anabaptist, 20. Justifying seven sacraments, and objecting to the Lord's Prayer as read, 176. Encouragement of schism, 8, 110. Entertaining un-conformable ministers, 195. Preaching seditious doctrine, 111, 122, 197. Railing against the ceremonies of the church, 77, 132. Accusing a minister of errors in his preaching, 155. Contempt of the ordinary ecclesiastical courts, 21, 22, 28, 34, 42, 51, 80, 81, 109, 110, 121, 122, 131, 134, 168, 169, 170, 171, 173, 174, 180, 182, 193, 194: abusing of officials, 10. The cases of contempt are exceedingly numerous, and only a few of the most interesting are given in this volume. Redesdale and the parts towards Scotland were hopelessly rebellious. The Chancellor certified 12 persons of Bellingham chapelry and 25 of Elsdon parish, on one day in 1638. The majority of cases were for remaining in excommunication, the offenders not caring to purge themselves and return to the communion of the church of Christ. By resorting to the Commissioners' supposed power of imprisonment, the writ *de excommunicato capiendo* was evaded. Non-prosecution of proceedings in this court, 18: speaking against the Commissioners, 54: resisting their authority *vi et armis*, 136, 182: beating the messenger, 15, 22, 81: not assisting the messenger, 18, 19, 27, 142, 171.

Scandalous and contemptuous words, 50, 52, 74, 119, 132, 142, 146, 168, 182. Blasphemous words, 72, 75, 115, 143. Abusing private parties on religious grounds, 15, 142.

<sup>d</sup> Seducing to Popery, 77, 100, 135, 140: conveying popish priests, 141, 193: justifying seven sacraments, 176.

The paucity of proceedings against Roman Catholics is very observable.

and search for all manner of massing stuff or other reliques of superstition and Popery; and all manner of Popish and seditious books, libels, and writings, and all other books, pamphlets, or portraictures offensive to the State, and set forth without sufficient and lawful authority in that behalf; and all makers, printers, and all wilful dispensers of such. .and their procurers and counsellors, and the same books, libels, and writings to seize, and so to order and dispose of them. .as that they may not after serve or be employed for any such unlawful use, restoring nevertheless the materials in such case, as they may not afterwards be so abused. .and also all. .persons which shall offend against any decree. .made by the High Court of Star Chamber. .touching the reformation of divers disorders in the printing or uttering of books, prophanation of the sacraments of Baptism and the Lord's Supper. .and all other things and places consecrated and dedicated to divine service, digging up of buried bodies in church, chapel, or churchyards. (5.) To hear, order, and determine all and every the premisses, as also. .to enquire. .and determine all. .enormities, disturbances, misbehaviours, offences, assaults, frays, quarrels done. .in any church or churchyard, chapel or chapelyard, or against any divine service, or. .any person ecclesiastical. .contrary to the laws and statutes of this our realm.<sup>a</sup> (6.) To enquire of, search out, and send for all. .persons. .which wilfully or obstinately have absented or shall. .absent themselves from the church or such divine service or sacraments as by the laws and statutes of this realm is appointed<sup>b</sup>. .and them. .to order. .and punish by censures of the church, or by other lawful ways or means as by the said Act for Uniformity. .or by any other laws ecclesiastical of this realm is limited. .and also take order. .that the penalties and forfeitures limited by the said Act for Uniformity. .may be duely. .levied. .to the use of us and of the poor of the same parish. .according to the limitation and true meaning of the said statute. (7.) To enquire of, search out and call before you all. .persons as shall advisedly maintain or affirm any doctrine directly contrary or repugnant to any of the Articles of Religion which only concern the confession of the true Christian Faith and the doctrine of the sacraments,<sup>c</sup> comprised in a book imprinted and intituled Articles. .agreed. .in the Convocation holden at London, A.D. 1562. .And that if any such person. .shall persist therein. .or after revocation, eftsoons affirm such untrue doctrine, then to deprive from all promotions ecclesiastical and functions in the church. .every such person. (8.) To enquire. .and punish all incests, adulteries, fornications, symonies, outrageous misbehaviours and disorders in mar-

<sup>a</sup> Preventing ecclesiastical courts and the communion being held in the accustomed place in the chancel, 54. Misbehaviour in church, 16, 82, 155. Serving process in church, 1. Fighting in the church, 175. Profanation of the Lord's Supper, by collecting Easter reckonings and other misconduct during its administration, 6, 83.

Abusing the clergy, 13, 15, 16, 32, 51, 56, 141, 183, 184. Laying violent hands on the clergy, 29, 42, 44, 56, 72, 74, 101, 124, 125, 178, 195.

<sup>b</sup> Not repairing to church, 21: to the Holy Communion, 155.

<sup>c</sup> Justifying seven sacraments, 176. Being an Anabaptist, 20.



riages,<sup>a</sup> and *all other grievous and great crimes* and offences which are punishable or reformatory by the ecclesiastical laws<sup>b</sup>. .authorizing you. . from time to time hereafter to use and devise all such good, lawful, reasonable, and convenient ways and means for the trying and searching out of all the premisses, and for the proceeding therein as by you shall be thought most expedient and necessary, and upon due proof thereof. . by confession of the party, or by lawful witnesses, or by any other due means. .to award such punishment. .by fine, imprisonment, censure of the church, or other lawfull ways or by all or any of the said ways, or to take such order for the redress of the same as. .shall be thought meet. .(9.) To call. .the offenders in any of the premisses and also all such as by you. .shall seem to be suspected persons in any of the premisses, and every of them to examine upon their oaths touching. . the premisses which you shall object against them, and to proceed against them. .and to call witnesses. .and them to examine upon their corporal oaths<sup>c</sup>. .and if you. .shall find any. .persons. .obstinate or disobedient either in their appearances. .or else in not obeying. .your orders, decrees, or commandments. .to punish the same. .by excommunication or other censures ecclesiastical, or by fine. .or to commit to

<sup>a</sup> Incest with father's widow, 28: with sister, 146, 176: with aunt, 107: with wife's sister, 31, 100: with former wife's niece, 33. Entertaining persons living in incest, 77. Adultery, 1, 5, 34, 44, 51, 53, 74, 76, 107, 108, 111, 113, 114, 123, 124, 129, 130, 135, 136, 139, 140, 141, 171, 174, 175, 178: suspicion of, 18, 21, 42, 74, 180. Incontinency, 20.

Compounding a matrimonial contract, 75. Bigamy, 82. Profanation of marriage by a marriage when a precontract with a third party existed, 149.

Clandestine marriages, 14, 48, 49, 68, 70, 71, 74, 113, 114, 115, 121, 122, 124, 129, 130, 134, 139, 140, 141, 146, 167, 168, 169, 171, 172, 174, 175, 178, 182, 186, 194: making clandestine marriages, 50, 104.

Alimony, 51, 77, 100, 113, 131, 146, 167, 175. Abusing wife, 146.

Private baptisms, 114, 115, 141, 170, 172, 178, 186, 189, 194: causing private baptism, 186. Being present at a clandestine burial, 142.

Subornation of perjury, 2.

<sup>b</sup> Infringing ecclesiastical jurisdiction by awarding distribution of goods, 172, and see 106. Nonpayment of school wages to master, 194: of cessments to a parish church by a chapelry, 175, 181: generally, 180. Misapplication of church stock, 8. Non-repair of church, 110, 194: of churchyard walls, 193.

Offences of the clergy, viz., drunkenness, 5, 105, 126: *keeping an alehouse*, 5, 182: disobeying sequestration, 8: not wearing the surplice, 8. not baptizing with the cross, 9: hindering divine service by another, 12: selling almanacks on the Lord's table, casting figures, pretending thereby to discover stolen goods, and making scurrilous libels and epigrams, 34: making clandestine marriages, 50, 104: suffering an excommunicated person to be buried in the churchyard, 72: not publishing process of citation and excommunication, 131: violence to parishioners, 105: selling and converting church goods to private uses, 105, 126: receiving money to keep a will unproved, 106: retaining hold of the chalice in administering the Holy Communion, 106: giving false certificate of performance of penance, 107: preaching seditious doctrine: 111, 122, 197: lascivious behaviour, 131: neglect of cure, 185: preaching against non-preaching ministers, 190: exercising the ministry without lawful ordination, 111.

The above cases, and the frequent brawls and ill treatment to which the clergy were exposed give an idea of very low comparative status for country incumbents.

<sup>c</sup> See p. 2 for persons, offended against, taking the examinations of their own witnesses.

ward. (10.) When any person shall be convented or prosecuted..at the instance or suite of any person promoting the office in that behalf ..you..shall have full power..to award such costs..as well to and for the party that shall..prosecute for the same office, as against any party ..convented, according as the causes shall require. (11.) And because there is great diversity in persons that are to be called before you, some of them dwelling far from ycu, some being fugitives, and some to be charged with grievous crimes and faults, the speedy redress whereof is most requisite, and therefore more speedy, effectual, and stricter process than by your letters missive is required in most part of those causes\*; we..do give..authority unto you..to command..our Sheriffs, Justices, and other officers and subjects within the said province..by your letters or other process, to apprehend..any person or persons..or to take sufficient bond to our use as you..shall by your letters prescribe for his or their personal appearance..and in case any person..so apprehended be not able, or will obstinately refuse to give sufficient bond ..then we will that in our name you..give commandment to such mayor, sheriff, officer, or other person under whose charge he..shall happen to remain, either for the bringing him..to ward, or to other safe custody, there to remain until you or any such three or more of you as is aforesaid, shall take further order for his..inlargement. (12.) And..to take and receive by your discretions of every offender and suspected person..a recognizance..or obligation..to our use in such sum..as to you..shall seem meet..as well for their personal appearance..as also for the performance and accomplishment of such orders and decrees as to you..shall seem reasonable and convenient. (13.) [Sir George Paul, Knt., nominated Register, in whose absence the Archbishop of York and Bishop of Durham may nominate proper deputies. Thomas Mottersled appointed Receiver of fines and forfeitures]. (14.) Whereas there were divers cathedral and collegiate churches, grammar schools, and other ecclesiastical corporations erected..by..King Henry the Eighth,..King Edward the Sixth,..Queen Mary, and the late Lord Cardinal Poole, and also by the late Queen Elizabeth, where there are either no Ordinances, Rules, and Statutes at all, or the same are altogether imperfect, or..made at such times as the crown and regimen of this realm was subject to foreign usurped authority of the see of Rome, they be in some points uncertain, contrary, diverse, and repugnant to the dignity and prerogative of our crown, the laws of this our realm, and the present state of religion now established within the same; we therefore do give full power..to you and to every six or more of you, of whom we will you the..Lord Archbishop of York, Bishops of Durham, Chester, and Carlisle to be one, to cause and command, in our name, all..the ordinates, rules, and statutes of..the said ..ecclesiastical incorporations within the province of York, together with their several letters patents, and other things touching..their..

\* In the diocese of Durham, letters missive were the exception. Warrants of attachment were issued in all stages of the suits, contrary to the law laid down at p. 253. In p. 8 a citation viis et modis is decreed, professedly for the mere saving of expense.



foundations to be . . . exhibited before you . . . authorizing you . . . upon diligent and deliberate view, search, and examination of the said statutes [ &c. ], and also where no statutes are extant at all, . . . to devise . . . good orders and statutes . . . to be by us confirmed . . . for the better order and rule of the said . . . foundations and the possessions and revenues of the same, as may best tend to the honour of Almighty God, the increase of virtue, learning, and unity in the said places, and the public wealth and tranquillity of this our realm, according to an Act of Parliament made in the first year of the reign of the said late Queen.<sup>a</sup> (15.) [Three Commissioners, whereof the Archbishop of York, and the Bishops of Durham, Chester, and Carlisle to be one, may tender the oaths to all suspected recusants, and to certify the refusal to take the same, with the names, places, and degrees of the persons so refusing, into the court of King's Bench.] (16.) You shall diligently and faithfully execute this our commission and every part and branch thereof in manner and form aforesaid, according to the true meaning thereof, notwithstanding any appellation, provocation, privilege, or exemption in that behalf to be had, made, pretended, or alledged by any person or persons residing or dwelling in any place or places exempt or not exempt within the said province of York, or any our laws, statutes, proclamations, other grants, privileges, or ordinances which be or may seem contrary notwithstanding. (17.) Unto your letters missive, processes, decrees, orders, and judgments from or by you, or any three or more of you as is aforesaid, to be always sent forth, had, made, decreed, given, and pronounced at York, Bishopthorpe, Rippon, Cawood, Southwell, *Durham*, and *Auckland*, which we allow for your places or sessions, you, or any such three or more of you, shall cause to be put and affixed a seal engraven with the Rose and Crown, and the letter C. before, and the letter R. after the same, with a ring and circumference about the said seal, containing . . . SIGILLUM COMISSARIOR. REGLE MAJESTATIS AD CAUSAS ECCLESIASTICAS. (18.) Finally, we . . . command all . . . Justices of Peace, Mayors, Sheriffs, Bailiffs, Constables,<sup>b</sup> and other our officers, ministers, and subjects . . . to be . . . assisting unto you . . . and for the execution of your precepts, letters, and other processes. (19.) Lastly, we . . . grant full and free liberty unto the said Lord Archbishop . . . Lord Keeper of the Great Seal, and . . . you our Commissioners, named in and by our former commission lately granted for causes ecclesiastical for the province of York . . . to prosecute, hear, and determine all causes and matter before the date hereof commenced . . . as they might have done before the making of these presents. (20.) Provided . . . that the Lord Archbishop of Canterbury, the said Lord Archbishop of York, the said

<sup>a</sup> The Durham commission entertained suits against school trustees for detaining wages from the master (p. 194). There is no general jurisdiction over schools given by this clause, and in 5 Car. (1629-30) it was decided that the High Commissioners had incurred the danger of a *præmunire* by citing the Usher of Winchester School before them. See 13 Rep. 11.

<sup>b</sup> In p. 18, a man excuses his nonassistance because "he was no common bailiff, but Lord Wm. Howard's bailiff." In p. 27, some proceedings for the same offence against a *deputy* messenger, appointed by the sworn messenger, fail.

Lord Keeper..and other the Commissioners for causes ecclesiastical, named in our commission, 8 Jan., in the 4th year of our reign [1629].. concerning any spiritual or ecclesiastical jurisdiction within these our realms of England and Ireland and our dominion of Wales, or any other our dominions or countries, shall and may proceed in the execution thereof..any thing herein contained to the contrary notwithstanding: and that you..may proceed in the execution hereof..anything in the said commission directed to the said Archbishop of Canterbury [&c.], to the contrary in any wise notwithstanding."

When this commission issued, John Howson occupied the episcopal throne. He only sat three times under it. His successor, Bishop Morton, constantly attended, and although confessedly a moderate man, the objectionable parts of the commission were fully carried out, and the messenger, nay the Bishop himself, is sometimes found in an equivocal position\* (pp. 109, 118, 144, 154). Yet I think I see more lenience towards the close of the Act Book. The cases are more numerous, but conferences are recommended to offenders in Popish weddings, and the parties are remitted to the ordinary courts more as a matter of course, even when the offences had been referred by the latter to the Commission (p. 170).

The parties in the High Commission were frequently transposed in the ordinary ecclesiastical courts, by the setting up of some counter charge. In 1632 it is expressly laid down that a man was not to be punished for one offence in both courts (p. 31). But the High Commissioners were in singular ignorance of the proceedings elsewhere, and a man was often harrassed by repeated suits. Causes were transferred from one court to the other in a very unexplained manner,—a result arising from the concurrent jurisdiction claimed by both in the same trifling matters. Even when it was shown that a defendant had already received punishment, his dismissal was upon *payment of costs*, making it not a right but an exercise of mercy. More generally the Commission stepped in to fine and imprison when the ordinary jurisdiction found its censures unavailing in those cases which were either scarcely worth the notice of the Commissioners in the first instance, or thought to be beyond their jurisdiction. Mr. Brandling, in pp. 62, 64, accuses the officers of purposely commencing proceedings in the court below to extort money, or, by excommunication, for a matter of 2*d.*, to bring them into the Court of High Commission, and threatens the indignant interference of Parliament "if ever a Parliament came." His language is remarkable; he calls the court the most wicked court in England, and yet, what is still more remarkable, the Commissioners, "for divers reasons, for the present omitted the charge for speaking unreverent words against the Commission."

\* The gaoler was also complained of. (See p. 54.) "He hath lett one felon escape about the last assizes, and another now about a weeke agoe, besides Mr. Brandling, who was remaunded to prison by his Majestie after that he had beene putt in by the High Comission, and two of these are thought to be willfull escapes." —Sur. ii., 161.



In p. 49, a man was dismissed "salvo semper fine regis," which the Commissioners "did not meddle withall." Yet it is evident that the Commissioners had some power to forgive fines, or to give some undertaking which was observed by the Exchequer, and compositions for ready money were not unwelcome at head-quarters. Fines of 184,000*l.* imposed by the Star Chamber and other courts were returned as productive of only 16,000*l.* The fines, especially in such cases as Brandling's (p. 53), amounted nominally to vast sums, arising from the forfeiture of bonds, or from intimations of the impending mulct annexed to warrants, and published in the parish church of the defendant.

*Procedure*  
The practice of the court will be readily gathered from the cases, especially those abstracted more at length (pp. 22, 53, 83, 155, 186). The general routine comprised letters missive or attachment to appear, on which a bond to appear was sometimes taken; appearance, and bond to appear from time to time; oath, and often a bond to answer; presentation of articles of charge; the answer; assignment of term probatory to give evidence to support the articles; compulsories to compel the appearance of witnesses; their depositions; propounding of matter defensive; the same proceedings compelling the answer of the promoter thereto and in the taking of evidence thereon as were used against the defendant; re-examination of witnesses on behalf of the plaintiff if required; exhibition of the whole proceedings and decree of conclusion, and monition to hear sentence; the sentence; bond to perform it; taking out of the form in which penance or other sentence was to be performed; certificate of submission and performance; taxation of costs, and payment thereof. Imprisonment was freely used, and attachments issued at any stage against defendants; and the want of personal service was remedied, and a forfeiture ensured, by the addition of an intimation that such would be the alternative, of which intimation publication in the defendant's parish church was sufficient.

In 1637, Dr. Bastwicke and Mr. Pryn having objected that the Bishops had usurped the prerogative royal and proceeded in the High Commission and other ecclesiastical courts contrary to law, the twelve judges certified to the Star Chamber that process might issue out of the ecclesiastical courts in the names of the Bishops; that a patent was not necessary to enable the holding of visitations or of those courts or the issue of process from them; that such process, institutions, or inductions need not be in the King's name, nor the seals of office have the King's arms, and that 1 Edw. VI., 2, enacting the contrary, was not in force. This opinion was declared by royal proclamation, and enrolled in all the Westminster courts and all ecclesiastical courts, and therefore appears in the Act Book of the Durham Commission. In the Parliament of 1640, Mr. Bagshaw objected that the Act of 1 Mar., which repealed 1 Edw. VI. 2, was itself repealed by 1 Jac., 25, and that consequently the 1 Edw. VI., 2, was revived, and that the same was holden in Parliament 7 Jac. upon consideration of 1 Jac., 25, 1 Eliz., 1, and 8 Eliz. But in Parliament 4 Jac. the contrary was held, because 1 and 2 Ph. and Mar. had also words sufficient to repeal 1 Edw. VI., 2; and the 1. Eliz., 1., while repealing 1 and 2 Ph. and Mar., expressly con-

tinued the repeal of the Acts repealed in it, unless especially revived. The Act 1 Edw. VI., 2, was not so revived, while the adverse one of 25 Hen. VIII., 20, was (12 Rep. 7).

The rest of the history of the High Commission belongs to general history. The banks were bursting. In 1640, Laud's High Commission had to sit at St. Paul's for safety, and nearly 2000 Brownists made a tumult at the end of the court, tore down the benches in the consistory, and cried out they would have no Bishop, nor no High Commission. Then came the Long Parliament and the end. The Commissioners at York were particularly denounced in the Long Parliament for the proceedings against Mr. Smart and for reviling Mr. Pryn, and imprisoning and fining his friends for visiting him. After being twice pressed and twice taking time to consider, the King at last, on 4 July, 1641, passed "A Repeal of the Branch of a Statute 1<sup>o</sup> Eliz. concerning Commissioners, or causes ecclesiastical." It recited that "by colour of some words in the aforesaid branch, whereby Commissioners are authorized to execute their commission according to the tenor and effect of the King's letters patents, and by letters patents grounded thereupon, the said Commissioners have, to the great and insufferable wrong and oppression of the King's subjects, used to fine and imprison them, and to exercise other authority not belonging to ecclesiastical jurisdiction restored by that Act, and divers other great mischiefs and inconveniences have also ensued to the King's subjects, by occasion of the said branch and commission issued thereupon, and the execution thereof." It was thus enacted.

I. "The said branch, clause, article, or sentence contained in the said act, and every word, matter, and thing contained in that branch, &c., shall from henceforth be repealed, annulled, revoked, annihilated, and utterly made void for ever."  
 II. "No archbishop, bishop, nor vicar-general, nor any chancellor, official, nor commissary of any archbishop, bishop, or vicar-general whatsoever, nor any other spiritual or ecclesiastical judge, officer, or minister [of justice, nor any other person or persons whatsoever]<sup>a</sup> exercising any spiritual or ecclesiastical power, authority, or jurisdiction, by any grant, licence, or commission of the King's Majesty, his heirs or successors, or by any power or authority derived from the King, his heirs or successors, or otherwise, shall from and after 1 Aug., 1641, award, impose, or inflict any pain, penalty, fine, amercement, imprisonment, or other corporal punishment upon any of the King's subjects, for any contempt, misdemeanour, crime, matter, or thing whatsoever belonging to spiritual or ecclesiastical cognizance or jurisdiction, or shall ex officio, or at the instance or promotion of any other person whatsoever, urge, enforce, tender, give, or minister unto any churchwarden, sideman, or any other person whatsoever, any corporal oath whereby he or she shall or may be charged or obliged to make any presentment of any crime or offence, or to confess or to accuse himself or herself of any crime, offence, delinquency, or misdemeanour, or any neglect, matter, or thing whereby, or by reason whereof, he or she shall or may be liable to any censure, pain, penalty, or punishment whatsoever, upon pain and penalty that every person who shall offend contrary to this statute, shall forfeit and pay treble damages to every person grieved, and the sum of 100*l.* to him or them who shall first demand and sue for the same; which said treble damages and sum of 100*l.* shall and may be demanded and recovered by action of debt, bill, or plaint, in any court of record, wherein no privilege, essoin, protection, or wager of law, shall be

<sup>a</sup> These important words are not in Rushworth's copy, which is much looser than the ordinary reading of the statute.



admitted or allowed to the defendant. And every person who shall be convicted of any act or offence prohibited by this statute, shall for such act or offence be, from and after such conviction, utterly disabled to be or continue in any office or employment in any court of justice whatsoever, or to exercise or execute any power, authority, or jurisdiction, by force of any commission or letters patents of the King, his heirs or successors." III. "After the said 1st day of August, no new court shall be erected, ordained, or appointed within this realm of England, or dominion of Wales, which shall have or may have the like power, jurisdiction, or authority, as the High Commission Court now hath or pretendeth to have; but all and every such letters patents, commissions, and grants, made or to be made by his Majesty, his heirs or successors, and all powers and authorities granted, or pretended or mentioned to be granted thereby, and all acts, sentences, and decrees to be made by virtue and colour thereof, shall be utterly void and of none effect."

"Thus," says Fuller, "the edge of the Spiritual Sword, as to discipline, was taken away. For although I read of a proviso made in the House of Lords, that the general words in this bill should extend only to the High Commission Court, and not reach other ecclesiastical jurisdiction: yet that proviso being but written and the statute printed, all coercive power of church consistories was taken away. Mr. Pym triumphed at this success, crying out, *Digitus Dei!* it is the finger of God, that the Bishops should so supinely suffer themselves to be surprised in their power. Some disaffected to episcopacy observed a justice that, seeing many simple souls were in the High Commission Court by captious interrogatories circumvented into a false accusation, an unsuspected clause in this statute should abolish all their lawful authority."

But this extended abolition was temporary. After reciting the above statute, and that thereupon "some doubt hath been made, that all ordinary power of coercion and proceedings in causes ecclesiastical were taken away, whereby the ordinary course of justice in causes ecclesiastical hath been obstructed"—the Act of 13 Car. II., 12, declares that such is not the case, and repeals the Act of 16 Car., 11, "excepting what concerns the High Commission Court, or the new erection of some such like court by commission." But the repealed branch of 1 Eliz., 1, s. 18, is not to be revived, but to remain repealed; the oath *ex officio* is not to be applied by the ordinary jurisdiction; and the Act is not to be construed as giving "any ecclesiastical jurisdiction, censure, or coercion" which the Archbishops, &c., "might not by law have done before 1639," nor to affect the King's supremacy, nor to confirm the canons of 1640, or any other ecclesiastical laws or canons not formerly confirmed by Parliament, or by the laws of the land as they stood in 1639. And thus fines and imprisonments were averted.

The insane and almost incredible attempt of James II. to break through these statutes, and set up a High Commission Court by his pretended right at common law or by his prerogative to do so, is familiar to all readers, through the exquisite pen of Lord Macaulay.

## APPENDIX C.

## THE COURT DAYS.

THE COMMISSION OF 1625.—1625. Oct. 20. In an upper chamber in the Manorhouse of Auckland. Before *Bishop Neile, Augustine Lindsell*, S.T.P. [2nd Stall], *Cuthbert Ridley, John Cousen* [10th Stall], and *John Lively*, S.T.B. [Vicar of Kelloe.] Appeared Edward Lively, Notary Public, and presented Letters Patent of Commission for Ecclesiastical Causes, dated 1 Aug. 1 Car. The same Commissioners took the oaths of supremacy, allegiance, and fealty, and assumed the execution of the letters. Edward Lively acts in the absence of the Registrar or his deputy. — Nov. 9. In an inner chamber of the prebendal house of *John Cradocke*, S.T.P. [5th Stall], within the precinct of the cathedral church. Before Bp. Neile, Lindsel, and John Lively. Between 9 and 11 o'clock a.m. came the said John Cradocke, *Gabriel Clarke* [3rd Stall], Archdeacon of Durham, *Francis Burgoine* [8th Stall], Archdeacon of Northumberland, *John Robson*, M.A. [6th Stall], and *Wm. James*, M.A. [12th Stall], Prebendaries of the said cathedral church. Between 2 and 4 p.m. came *Richard Hunt*, S.T.P., Dean, *Peter Smart* [4th Stall], and *Ferdinando Morecroft*, A.M. [11th Stall], Prebendaries of the same cathedral church, and *Andrew Pearne*, A.M. All sworn as Commissioners. Cradocke acts by deputation of Sir George Paule, Knight, principal Registrar for causes ecclesiastical in and for the whole realm of England, as well in the premises as in all businesses hereafter to be done. — Nov. 24; Dec. 9, 15. — 1626. Jan. 12, 13, 16; Feb. 14; Mar. 9, 30; Apr. 20; May 11; June 8, 25; July 13, 18, 20; Sep. 22, 28. — 1626. Oct. 5. THE EXAMINEING BOOKE FROM THE YEAERE 1626 [hereinbefore abstracted, begins]. Depositions before *Robt. Newell* [1st Stall], Cradocke, Clarke, Morecroft, Lindsell, and Cosin. — Oct. 21; Nov. 16; Dec. 7, 14. — 1627. Jan. 22, 25; Feb. 1, 15; Mar. 1, 8, 15; July 23.

THE COMMISSION OF 1627.—1627. Sep. 1. Durham Castle. Bp. Neile having received his Majesty's Commission for Causes Ecclesiastical within the Province of York, dated Aug. 3 Car., did meet with Dean Hunt; Cradocke, Chancellor of the diocese; Burgoine, Archdeacon of Northumberland; Cosin, Archdeacon of the East Riding; Lindsell, Moorcroft, James, and Pearne, clerks. They took the oaths, and assumed execution. — Oct. 4. Robson and Smart sworn. — Nov. 8. Durham. Dean Hunt, Cra-

\* The names of the Commissioners are given in italics and in full on their first occurrence, and briefly afterwards.



docke, and Cosin; Dec. 13. — 1628. Jan. 9, 24; Feb. 6, 21; Mar. 6; May 24; June 12, 26; July 10, 24, 27, at 2 o'clock p.m.,<sup>a</sup> in the great chamber of the Deanery. Dean Hunt, *Marmaduke Blakeston*, A.M. [7th Stall], Cosin, and James, in presence of Cuthbert Sisson, notary public, their actuary. — Aug. 7. Durham. Burgoine, Cosin, and Liveley. — 21. Durham. Dean Hunt, Burgoine, Blakeston, and Cosin. — Oct. 22. DUNELM. ss. THE BOOKE OF THE ACTES OF THE HIGH COMISS[ION COURT,] ANNO REGNI CAROLI DEI GRATIA ANGLE SCOTLE [ET HIBERNIE] REGIS FIDEI [DEFENSORIS QUARTO] begins. "In the place of the Consistory, in the Galilee of Durham Cathedral, between one and three in the afternoon." Burgoyne, Moorecroft, Robson, James, Commissioners. Gabriel Jackson, notary public, their actuary. Mr. Cuthbert Sisson, proctor for the office. — Oct. 23. Galilee. *William Easdaile*, LL.D., Official Principal to the Bishop, Burgoyne, Liveley. — Nov. 13. Galilee. Burgoyne, Cosin, Blackston, Moorecroft, James. — Nov. 27. Galilee. Clarke, Cosin, Robson, Liveley. — Dec. 11. Galilee. Dean Hunt, Cosin, James, Liveley. The Commissioners assigne Mr. Raph Hutton to be there advocate, and to give his counsell and advice in adjuvamen eorum officii and to have such fees as belonged to the place. — 1629. Jan. 15. Galilee. Cosin, James, Liveley. — Jan. 29. Galilee. Cosin, Moorecroft, Ridley. [Gabriel Jackson acts with Mr. Hutchinson as a proctor for a defendant.] — Feb. 12. Galilee. Burgoyne, Cosin, James, Liveley. — Apr. 11. Saturday. Galilee. Easdaile, Robson, James. — Apr. 16. Galilee. Easdaile, Burgoyne, Moorecroft, Robson. — Sep. 10. Galilee. Easdaile, Moorecroft, Liveley. — 1630. Feb. 11. Galilee. Clarke, Cosin, Moorecroft, Liveley. The Commissioners agree to holde their court every moneth. Intimations to parties of their pleasure and resolution. — Mar. 11. Galilee. Dean Hunt, Clarke, Cosin, Moorecroft, Liveley. — Apr. 8. Galilee. *Thomas Jackson*, S.T.P. [Vicar of Newcastle], Cosin, Robson, Liveley. — Apr. 30. Galilee. Dean Hunt, Jackson, Cosin, Liveley. — May 30. Galilee. Dean Hunt, Moorecroft, Robson, Liveley. — July 1. Galilee. Cosen, Robson, Liveley.

THE COMMISSION OF 1630. — 1631. Mar. 7. Monday. Upper Chapter House or Library in the close of the Cathedral. Dean Hunt, Lindsell, Cosin, Blackston, Moorecroft, Robson and James, prebendaries. Mr. Barnabas Hutchinson, notary public, presents letters patents 25., . . Car. Oaths taken. In the absence of Sir George Paule, knt., principal registrar, Hutchinson authenticates the act. — Mar. 17. Deanery. Dean Hunt, Lindsell, Moorecroft, James. Liveley sworn as Commissioner. — May 21. Saturday. Deanery. Dean Hunt, Cosin, James. — Aug. 18. Galilee. *Bishop Howson*, Dean Hunt, Cosin, Blackston, Moorecroft, Robson, James, *Lawrence Hinton*, M.A., rector of Halghton. Decree to proceede in the causes depending, and to holde courtes *Jovis in tres*

<sup>a</sup> After Peter Smart's famous sermon.

<sup>b</sup> The day is Thursday, unless otherwise stated.

<sup>c</sup> The hour was always one p.m. unless otherwise stated. The time was sometimes one to three, at others one to four.

and see every three weekes. Did assume Mr. Raiph Hutton for the advocate, as also Mr. Cuthbert Sisson for their proctor. — Sep. 8. Galilee. Bishop Howson, Dean Hunt, Moorecroft, Robson, Hinton, Liveley. Clarke sworn a Commissioner. — Oct. 6. Galilee. Bishop Howson, Clarke, Cosin, Robson, Liveley. *Thomas Burwell*, Spiritual Chancellor, sworn as a Commissioner. Oct. 27. Galilee. Clarke, Robson, Hinton, Liveley. — Nov. 24. Galilee. Moorecroft, Robson, James. — 1632. Jan. 12. Galilee. Cosin, Moorecroft, Robson. — Feb. 9. Galilee. Dean Hunt, Cosin, Robson. — Mar. 8. Galilee. Burwell, Robson, James. — Apr. 12. Galilee. Burwell, Moorecroft, Robson, James. — May 3. Galilee. Dean Hunt, Burwell, Robson. — May 31. Galilee. Cosin, Moorecroft, James. — July 5. Deanery. Dean Hunt, Robson, James. — Oct. 25. Galilee. Dean Hunt, Clarke, James. — Nov. 22. Galilee. Dean Hunt, Burwell, Moorecroft. — 1633. Jan. 10. Galilee. Burwell, Clarke, Cosin. — Jan. 31. Galilee. Dean Hunt, Burwell, Cosin, Robson, Moorecroft. — Feb. 21. Cathedral Close. Clarke, Cosin, Moorecroft. — Feb. ult. Galilee. Dean Hunt, Burwell, James. — Mar. 28. Deanery. Dean Hunt, Burwell, Cosin. — Mar. 30. Saturday. [No place mentioned.] Dean Hunt, Burwell, Cosin. — Apr. 30. Galilee. Burwell, Cosin, Moorecroft. — May 23. The Low Dineinge Rounge in Durham Castle. *Bishop Morton*, Dean Hunt, Burwell, Clerk, James, Livelie. *Joseph Naylor*, S.T.B., Archdeacon of Northumberland, sworn as a Commissioner. — July 11. The Low Dineinge Rounge. Bp. Morton, Burwell, Naylor, Moorecroft, Robson, James, Lively. — Aug. 9. Friday. Inner Chamber in Durham Castle. Bp. Morton, Burwell, Naylor, Cuthbert Sisson, not. pub. specially acting. [The office against Brandling the only case.] — Aug. 12. Monday. Low Dyneinge Roome. Hours of 10 to 12 a.m. Bp. Murton, Burwell, Naylor. [The office against Daniell only.] — Aug 15. Galilee. Bp. Morton, Dean Hunt, Burwell, Naylor, Moorecroft, Robson, James. — Sep. 5. Low Dyneing Roome. Bp. Morton, Dean Hunt, Burwell, Moorecroft, James. — Sep. 26. Low Dyneing Roome. Bp. Morton, Dean Hunt, Cosin, Moorecroft, Livelie. — Oct. 17. Low Dyneing Roome. Bp. Morton, Burwell, Cosin, Naylor, Moorecroft, James. — Assumptio Richardi Baddilee Notarii Publici per eundem Reverendum patrem, in actuarium et scribam. [The handwriting does not change.] — Nov. 7. Same place. Bp. Morton, Dean Hunt, Burwell, Cosin, Naylor. — Nov. 28. Galilee. Bp. Morton, Burwell, Clerk, Cosin, Naylor, Carre, Robson. — 1634. Jan. 14. Tuesday. Bishop's Awckland Manor-house. Bp. Morton, Burwell, Clarke, Naylor. — Feb. 11. Tuesday. Awckland. Bp. Morton, Burwell, Naylor. — Mar. 4. Tuesday. Awckland. Bp. Morton, Burwell, Cosin, Naylor, Moorecroft, Robson. — Apr. 1. Galilee. Bp. Morton, Burwell, Clerk, Cosin, Naylor, Carr, Robson, James, Liveley, in presentia mei Gabrielis Jackson Not. Pub. Actuarii. — Apr. 29. Tuesday. Awckland. Bp. Morton, Burwell, Moorecroft, James. — May 9. Friday. Galilee. Burwell, Carre, James. — May 14. Wednesday. Awckland. Bp. Morton, Burwell, Cosin, Carr, Moorecroft, James, Naylor. — June 5. Awckland. Bp. Morton, Bur-



well, Clark, Cosin, Naylor, Moorecroft, Lively. — June 20. Friday. Galilee. Burwell, Carre, Moorecroft, James. — Aug. 8. Friday. Galilee. Bp. Morton, Dean Hunt, Moorecroft. — Aug. 12. Tuesday. Awckland. Bp. Morton, Burwell, Naylor. — Sep. 18. [October *erased*. But, in the Book of Depositions, the date 18 Oct. is prefixed to the depositions against George Simpson, sworn at this court.] Galilee. Bp. Morton, Burwell, Naylor, Moorecroft, James. — Oct. 21. Tuesday. Clarke's House in the Cathedral Close. Burwell, Clerk, Cozin, Naylor. — Oct. 23. Awckland. Bp. Morton, Burwell, Cozin, Naylor. — Dec. 11. Galilee. Bp. Morton, Dean Hunt, Burwell, Cosin, Naylor, Moorecroft, James. — 1635. Jan. 22. Galilee. Bp. Morton, Burwell, Carr, Moorecroft, James. — Feb. 19. Galilee. Bp. Morton, Burwell, Carr, Naylor, Moorecroft, James. — Mar. 19. Inner Chamber, Durham Castle. Hours 1 to 2. Bp. Morton, Burwell, Clarke, Cosin, Carr, Naylor, Moorecroft, James. Willm. Frizell, gent., appointed and sworn to be their messenger [in the place of Nicholas Rayne deceased]. — Same day. Galilee. Hours 1 to 3. Same Commissioners. — Apr. 23. Galilee. Bp. Morton, Cosin, Carre, Naylor, Moorecroft, Robson. — May. 15. Cosin's House in the Cathedral Close. Hours 12 to 2. Burwell, Cosin, Naylor. Cuthbert Sissonn not. pub. Actuary assigned. [Only one case.] — May 28. Awckland. Bp. Morton, Burwell, *Phinees Hodgson*, S.T.P., Chancellor of York, Cosin, Clarke, Naylor, Moorecroft. — June 25. Awckland. Bp. Morton, Burwell, Cozin, Naylor, Moorecroft. — July 30. Awckland. Bp. Morton, Burwell, Naylor. — Sep. 23. Wednesday. Awckland. Bp. Morton, Burwell, Clarke, Moorecroft. — Oct. 21. Wednesday. Awckland. Bp. Morton, Burwell, James. — Dec. 2. Wednesday. Awckland. Bp. Morton, Burwell, Naylor, James. — 1636. Mar. 9. Wednesday. Awckland. Bp. Morton, Burwell, Naylor, Moorecroft, Robson, James. — Apr. 28. Galilee. Bp. Morton, Burwell, Naylor, Moorecroft. — May 24. Tuesday. Awckland. Bp. Morton, Burwell, Naylor. — June 21. Tuesday. Awckland. Bp. Morton, Burwell, Carre, Robson. — Aug. 2. Tuesday. Awckland. Bp. Morton, Burwell, Robson. — Oct. 25. Tuesday. Awckland. Bp. Morton, Burwell, Clarke, Naylor, Moorecroft. — Nov. 4. Friday. Deanery. Dean Hunt, Burwell, Carre, James. — 1637. Jan. 10. Tuesday. Durham Castle. Bp. Morton, Burwell, Clarke, Carre, *William Flathers*, S.T.B., Moorecroft, Robson. The said William Flathers, Archdeacon of Northumberland, sworn as a Commissioner. — Mar. 7. Tuesday. Awckland. Bp. Morton, Burwell, Flathers, Moorecroft. — Apr. 18. Tuesday. Galilee. Bp. Morton, Burwell, Clarke, Carre, Flathers, Moorecroft. — Apr. 20. Durham Castle. Bp. Morton, Burwell, Flathers, Robson. — May 16. Tuesday. Awckland. Bp. Morton, Burwell, Carr, Flathers. — June 20. Tuesday. Awckland. Bp. Morton, Burwell, Carr, Moorecroft, James. — July 18. Tuesday. Awckland. Bp. Morton, Burwell, Carr, Flathers, Moorecroft. Toby Swinburne, Bachler of Lawe, admitted advocate, and to practise before His Majesty's Commissioners for causes ecclesiastical resiant within the Dioces of Durham, and to receive such salary and fees as by right or custome

belonge unto him. Whereupon he tooke the oath as well of supremecy as the oathe of allegiance. — Aug. 15. Tuesday. Prebendary Anthony Maxton's house in the Cathedral Close. Bp. Morton, Cosin, Flathers, Robson, James. — Sep. 9. Saturday. Durham Castle. Hours 9 to 11 a.m. Bp. Morton, Burwell, Cosin. — Sep. 11. Monday. Durham Castle. Bp. Morton, Burwell, Cosin. — Sep. 19. Tuesday. Awckland. Bp. Morton, Carr, Moorecroft. [Hodgson present for a short time.] — Oct. 24. Tuesday. Awckland. Bp. Morton, Burwell, Carr, Flathers. — Dec. 5. Tuesday. Galilee. Burwell, Moorecroft, Robson, James. — 1638. Jan. 16. Tuesday. Durham Castle. Bp. Morton, Burwell, Flathers, Moorecroft, Robson. — Mar. 6. Tuesday. Galilee. Bp. Morton, Burwell, Clarke, Morecroft, James. — Apr. 10. Tuesday. Durham Castle. Bp. Morton, Burwell, Robson, Morecroft. — Apr. 12. Durham Castle. Hours 9 to 11 a.m. Bp. Morton, Burwell, Robson. — May 8. Tuesday. Galilee. Burwell, Moorecroft, Robson, Liveley. — May 17. Deanery. Dean Hunt, Burwell, Robson. — June 12. Galilee. Burwell, Robson, James. Upon the motion of the advocates and complaint of the proctors, it was ordered that all mocions shalbe made by the advocates and all petitions drawn by the proctors. — July 10. Tuesday. Galilee. Bp. Morton, *Ewry* [Everard?] *Gower*, S.T.B., Archdeacon of Northumberland, James. The said order was by his Lordshipp thought meete to be continued. Gower sworn before the Bishop in his private chamber. — Aug. 16. Galilee. Bp. Morton, Burwell, Clarke, Gower, James. — Aug. 17. Friday. Private house of the Chancellor Burwell. Burwell, Gower, James. [Re John Errington only.] — Sep. 18. Tuesday. Durham Castle. Bp. Morton, Burwell, Gower, Carr. — Oct. 30. Tuesday. Awckland. Bp. Morton, Burwell, Gower. — Dec. 4. Tuesday. Awckland. Bp. Morton, Burwell, Gower, Moorecroft, James. — 1639. Saturday. Jan. 26. Durham Castle. Bp. Morton, Burwell, Gower, Moorecroft, Robson. The assumption of Mr. Tobias Swinburne, Bachlor of Lawe, for the "Advocate of office," the same being void by the death of Raph Hutton, M.A. — Mar. 12. Tuesday. Galilee. Burwell, Clarke, Gower, Carr, James, Moorecroft. — Mar. 28. Galilee. Bp. Morton, Burwell, Carr, Moorecroft, Robson. — Apr. 23. Tuesday. Durham Castle. Bp. Morton, Burwell, Clarke, Gower, Moorecroft, Robson. — June 11. Tuesday. Galilee. Burwell, Cosin, Gower, Robson, James. — July 23. Tuesday. Galilee. Burwell, Gower, Robson. — Aug. 10. Saturday. Durham Castle. Hours of 9 and 11 *post meridiem*. Bp. Morton, Burwell, Gower. — [Oct. 1. — Oct. 2. — Nov. 12. Tuesday. Auckland. Bp. Morton, Burwell, Gower.\*]

\* Radclyffe Papers at Greenwich Hospital.





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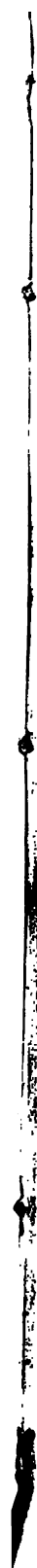
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